

TCP/11/16(229)
Planning Application 12/00628/IPL – Erection of a
dwellinghouse (in principle) on land 60 metres north east
of Old Church Lawers

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE 000056402-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Martin Town Planning Ltd

Ref. Number:

First Name: *

Neil

Last Name: *

Martin

Telephone Number: *

01383 741429

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

neil.martin100@btinternet.com

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

Building Name:

East End Park

Building Number:

Address 1 (Street): *

Halbeath Road

Address 2:

Town/City: *

Dunfermline

Country: *

UK

Postcode: *

KY12 7RB

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Other"/>
Other Title: *	<input type="text" value="Mr & Mrs"/>
First Name: *	<input type="text" value="Walter"/>
Last Name: *	<input type="text" value="Reid"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text" value="Beauly"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Bridge of Weir"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Renfrewshire"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="PA11 3DW"/>

Site Address Details

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

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="739508"/>	Easting	<input type="text" value="268418"/>
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Description of the Proposal

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

Erection of a dwellinghouse (in principle) on Land 60 Metres North East Of Old Church Lawers

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

This application represents a unique set of circumstances which suggests a need for a pragmatic approach to consideration of the proposals. The reality of the situation is that if the application is granted the ancient monuments that compose the Old Village will be retained for the future as part of our national heritage, conserved in accordance with the directions of Historic Scotland. Further details of the reasons for seeking a review are set out in the supporting statement.

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

☒ Yes ☐ No

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

A report from a routine inspection of the Ancient Monument has been prepared by Historic Scotland but this was only available after the application was determined. The report sets out the current state of the monument and recommendations for remedial action to address issues.

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

Supporting Statement setting out development plan assessment of application
Application Documents which includes the further statement by Applicant prior to determination
Historic Scotland's assessment of site
Consultation responses

Application Details

Please provide details of the application and decision.

What is the application reference number? *

12/00625/IPL

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

03/04/12

Has a decision been made by the planning authority? *

☒

Yes

☐

No

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

21/11/12

Review Procedure

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

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

☐

Yes

☒

No

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

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

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

A clear understanding of the unique set of circumstances and the specifics of the site generated by a site inspection is considered to be the best means of progressing this Review

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

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

☒

Yes

☐

No

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

☒

Yes

☐

No

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Neil Martin

Declaration Date: 07/02/2013

Submission Date: 07/02/2013

MR & MRS W REID

**PROPOSED ERECTION OF A DWELLINGHOUSE
(IN PRINCIPLE) ON LAND 60 METRES
NORTH EAST OF OLD LAWERS CHURCH
PKC APPLICATION REF.: 12/00628/IPL**

**NOTICE OF REQUEST TO PERTH & KINROSS
COUNCIL LOCAL REVIEW BOARD
FOLLOWING REFUSAL OF LOCAL PLANNING
APPLICATION UNDER DELEGATED POWERS**

06 FEBRUARY 2013

martin town planning ltd.

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APPENDICES

Appendix 1: Planning Application Package (30/03/12)

Appendix 2: PKC Decision Notice (21/11/12)

**Appendix 3: Historic Scotland's Site Observations and Recommendations
(22/11/12)**

Appendix 4: Old Lawers Village: Cultural Heritage Designations

Appendix 5: Consultation Responses

Status:	FINAL
Project Reference:	2012-0215
Date of Issue:	06 February 2013

1. Introduction

- 1.1 This Report supports the formal Notice of Review of the Refusal by appointed officer of application reference 12/00628/IPL on 21 November 2012.
- 1.2 The application, made by McKenzie Strickland Associates on behalf of the landowners Mr & Mrs W Reid was seeking Planning Permission in Principle for a single dwelling on a site adjacent to the Old Lawers Village in Highland Perthshire.
- 1.3 The Planning Permission in Principle Application, lodged on April 2012 contained the following documents which are included as part of this submission as Appendix 1:
 - Planning Application Form
 - Planning Application Drawings (Location plans (2no), Photo sheets (3no), Site Analysis Plans (5 no), Proposed Site Plan (1:1,000) & Site Section (1:500))
 - Supporting Statement
 - Land Ownership Certificate
- 1.4 The application was determined under delegated powers and a Decision Notice issued on 21 November 2012 with the following Reasons for Refusal (Appendix 2):
 - The proposal is contrary to Highland Area Local Plan 2000 Policy 2 which, amongst other criteria, requires all development to be compatible with its surroundings in land use terms and not to result in a significant loss of amenity to the local community. The proposal is not compatible with its surroundings in land use terms and does not have regard to the existing amenity and character of the area. The development would therefore have a significant detrimental effect on the amenity of the area.
 - The proposal is contrary to Highland Area Local Plan 2000 Policy 3: Landscape in that the proposal would not conserve existing landscape features and sense of local identity nor would it strengthen or enhance landscape character.
 - The proposal does not meet the terms of Highland Area Local Plan 2000 Policy 7: Flood Risk as the proposal would result in development within an identified flood plain area.
 - The proposal is contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of an established building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-

domestic buildings, there is no operational need nor does the development reflect and respect the existing pattern of any settlement. The development does conflict with other policies in the Local Plan.

- The proposal is contrary to Highland Area Local Plan 2000 Policy 28: Listed Buildings in that the proposed development would be detrimental to the essential character of the setting of the listed building.
- The proposal is not in accordance with Highland Area Local Plan 2000 Policy 25: Archaeology in that the proposed development would not safeguard the setting and archaeological landscape of the associated scheduled monument.
- The proposal does not accord with the requirements of Scottish Planning Policy 2010 (paragraph 113) in that the proposal would result in a development which would not be appropriate to the character and setting of the listed building.

1.5 The key issues in the officer's mind in determining the application and progressing a refusal were therefore issues of:

- Impacts on amenity
- Landscape impact
- Compliance with the Housing in the Countryside Policy
- Impacts on potential archaeological remains
- Impacts on the setting of a Listed Building

1.6 These matters were addressed as part of the initial submission to the Council but these, and all other relevant factors are considered within this Statement which then concludes with identifying the reasons why planning permission in principle can be granted for this proposed development.

2. Proposed Development

- 2.1 As detailed within the supporting statement, the proposal involves the development of a modest dwelling adjacent to the Scheduled Ancient Monument of Old Lawers Village, overlooking the southern half of Loch Tay. The underlying principles behind the design philosophy for this site are to develop a modest and sensitive dwelling that does not detract from the appreciation, understanding or setting of the Scheduled Ancient Monument.
- 2.2 The applicants, Mr & Mrs Reid purchased the site with the aspiration of both preserving the former village and developing a modest property to take advantage of the setting and location. The site, when they acquired it, was the subject of an agreement between the then owners and the National Trust for Scotland. That agreement contains a series of burdens which includes a requirement that any work or changes proposed in and around the former village are agreed with the National Trust for Scotland in order that the amenity and character of the former village is maintained.
- 2.3 The applicant had made the National Trust for Scotland aware of the application for the site and the Trust has not raised an objection in any form to the proposals.
- 2.4 The Monument continues to be subjected to the ravages of time with evident degradation in the remaining structures over the years. That degradation is at times exacerbated by inadvertent livestock interventions from nearby farmland. The development intent then, reflecting the applicant's own interests and values, is to facilitate a stabilisation of the Monument and ensure its retention, in what is a current generally understandable state, in perpetuity.
- 2.5 Historic Scotland has very recently undertaken a routine visit to the Scheduled Ancient Monument and their report of that visit is included here as an additional document (which was not available at the time of determination of the application) for information (Appendix 3). What this confirms is a degree of concern by the statutory agency as to the on-going degradation of the Ancient Monument and a desire to effect appropriate active intervention in its conservation.
- 2.6 In light of this, the realisation of the objective to stabilise the Monument will include some appropriate physical works to stabilise walls and removal of overly invasive plant life (under a scheme of works and management regime agreed with Historic Scotland). It will also include better monitoring and maintenance of site boundaries to avoid livestock getting into the site.

- 2.7 The site is considered to be a generally well contained location that is bounded by clear landscape features (tracks, walls, tree lines etc) and is contained within the unscheduled in-field land that sits between the 2 principal parts of the Old Lawers Village Scheduled Ancient Monument. The site is predominantly grassland with peripheral woodland areas. It gently slopes down to the Loch Tay shore line with good views through 180° east / north towards Kenmore and west / south towards Killin. The site sits around 10m above the shore line.
- 2.8 An access track connects the site to the A827. This track is currently on the Council's register of adopted roads but has not been maintained for some time. This track formed the access route to the Lawers pier from which in past years cattle, people and other goods were transported across the Loch to access markets and other areas further south. A rougher track runs parallel to the shore line (through the west / south portion of the Scheduled Ancient Monument) and is thought to be the original county road line along the north side of Loch Tay before that was replaced by the current A827.
- 2.9 Appendix 1 contains the various site photographs and plans that were included as part of the application submission together with a supporting statement that provides more detailed background to the site, the design approach and the historic context.

3. Development Plan Context

- 3.1 The approach to the determination of a Planning Application follows a well understood series of steps that involves consideration of whether a proposal is in compliance with the development plan and then whether there are material considerations relevant to the determination of that application.
- 3.2 In this case, the Development Plan is a combination of the now approved TayPlan strategic development plan (SDP) and the Adopted Highland Area Local Plan. Although the Local Plan is now somewhat out of date (Adopted in 2000) its replacement, the Perth & Kinross Local Development Plan (LDP) has yet to be Adopted.
- 3.3 However, the emerging LDP has reached the proposed plan stage and, following consideration of the various representations on the Plan on 23 January 2013 (and the Schedule 4 Statements prepared), that forms the most up to date reflection of the Council's settled will in respect of land use planning decisions over the forthcoming plan period. On that basis, the proposed Plan together with the decisions of the Council from 23 January 2013, are deemed to be a material consideration to which significant weight could be applied.
- 3.4 Given the above, the development plan policies of relevance to consideration of the proposals are:

Subject Area	TayPlan SDP	Highland Area Local Plan	PKC LDP
General Policies (incl. Sustainability)		H-001 (Sustainable Development) H-002 (Development Criteria)	PMA1 (Placemaking)
Housing in the Countryside		H-054 (Housing in the Countryside)	RD3 (Housing in the Countryside)
Landscape / Amenity	Policy 3 (Tayplan's Assets)	H-003 (Landscape)	
Scheduled Ancient Monuments	Policy 3 (Tayplan's Assets)	H-025 (Archaeology)	HE1A (Scheduled Ancient Monuments)
Listed Buildings	Policy 3 (Tayplan's Assets)	H-028 (Listed Buildings)	HE2 (Listed Buildings)
Archaeology	Policy 3 (Tayplan's Assets)	H-027 (Archaeology)	
Natural Heritage	Policy 3 (Tayplan's Assets)	H-013 (Nature Conservation)	
Local Infrastructure		H-007 (Flood Risk) H-041 (Transport Standards)	

- 3.5 In addition, whilst initial reference must be had of the extant development plan policy in respect of Housing in the Countryside (Highland Area Local Plan Policy H54), the Council has approved an update to that Policy in 2009 and which must be considered as formal supplementary planning guidance and therefore a further material consideration in the determination of this application.
- 3.6 The Council has also agreed supplementary planning guidance in respect of developer contributions which has to be taken into account as part of any development plan policy assessment.

4. Development Plan Assessment

4.1 In considering the development plan policy context, a series of questions can be set:

- Is the general principle of development in keeping with the expectations of the Development Plan?
- Are any specific designations or policy requirements likely to be directly affected by the proposals?
- Would any consequential aspects of the development also meet Development Plan requirements and expectations?

4.2 These 3 questions are considered in turn below.

Principle of Development

4.3 Given the site's location out-with any specific defined settlement it falls to be considered under the Housing in the Countryside Policy. As part of this consideration, it is worth noting the general context of the location

- The subject site is loosely associated with the village of Lawers albeit separated by, and accessed via, the original track (which remains on the list of Adopted roads) to the former ferry terminal previously used to transport people, goods and livestock across the Loch to Ardtalnaig which then allowed for onward travel via drove roads to the cattle markets in Crieff and beyond.
- The site is set within the overall extent of the original village of Lawers that dates from the 17th Century
- Lawers Burn runs to the immediate east of the subject site and between the site and the A827 on the banks of the burn upstream of the subject site are located around 6 large private properties.

4.4 In considering the Council's Housing in the Countryside Policy as set out in 2009 (the headlines of which are also set out as Policy RD3 within the emerging LDP), it is evident that consideration of the proposals would be in the context of part 3 of the Policy: New Houses in the Open Countryside. Within that there are a series of sub-categories (existing gardens, flood risk, economic activity, local houses, pilot projects) of which the pilot project sub-category could be applied.

4.5 However, notwithstanding the review of the Housing in the Countryside Policy in 2009 and the preparation of supplementary planning guidance that will be taken forward as

part of the emerging LDP, as the development plan policy as set out within the Highland Area Local Plan has yet to be repealed (and will only be so once the Perth & Kinross Local Development Plan has been Adopted), Policy 54 remains a relevant consideration at this time.

- 4.6 Specifically, Policy 54 takes forward one aspect of the key objectives of the extant local plan, namely supporting . . . *small scale housing in the smaller rural locations* through part (e) of the Policy as stated in the Local Plan:

In the western half of the landward area, as shown on Proposals Map 1, Consent may be granted for houses within scattered but recognisable building groups or places where:

(a) The existing pattern of settlement is reflected and respected.

(b) The site has a good landscape or topographical setting.

(c) The amenity of existing houses is respected.

(d) The house has a safe access to the public road network.

(e) The development does not conflict with any other policy or proposal contained in the Local Plan.

- 4.7 Whilst the proposals map may not include the subject site within the designation (albeit land further east and west as well as on the southern shore of Loch Tay) is included within the designation) it is contended that this nevertheless remains a valid consideration in the context of individual site assessments where a more detailed analysis of site characteristics can be progressed in contrast to the inevitably more generic approach that will be undertaken within plan preparation processes.

- 4.8 Therefore, in the context of part (e) of Highland Area Local Plan Policy 54, we would contend that:

- i. The presence of the historic settlement pattern has influenced the site selection which whilst acknowledging the pattern of past development does not interrupt the continued interpretation of the settlement structure and form.
- ii. The relatively limited form and nature of the property and its intended positioning within the existing landscape features will ensure that the overall landscape setting is retained.
- iii. There will be no adverse impact on the amenity of existing properties through the development of this new dwelling.

- iv. An upgrade to the current adopted (but unmaintained) road would be required and that can ensure a safe access onto and from the A827.
- v. Consideration is needed of implications for built heritage and natural heritage policies.

It is clear from the response by Historic Scotland that they are satisfied that the development will not adversely impact the Old Lawers Village Scheduled Ancient Monument either directly or its setting. In addition, no Listed Building is directly impacted by the development and through careful positioning of the proposed dwelling, the setting of the Category B listed building to the west of the subject site will also be conserved.

There is potential for impacts to arise in terms of the water environment within Loch Tay but, as in numerous locations around the loch, through careful site management, such impacts can be avoided.

- 4.9 Given the above, it is evident that the proposals can satisfy part (e) of Highland Area Local Plan Policy 54. In then returning to part 3 of the 2009 version of the Housing in the Countryside Policy, as noted, the basic concept is to construct a dwelling that reflects the traditional “black house” that would have been the predominant building form in this area. Contemporary elements would also be incorporated to take best advantage of the location but these would be fully respectful of the underlying building design and the site location.
- 4.10 Such detailed design considerations would therefore allow the proposals to be in compliance with the 2009 supplementary planning guidance and the planning authorities expectation on design approach could be set out as part of the consideration of the in-principle application. Ultimately, as applications to address matters specified in conditions are progressed, the planning authority can then assess whether those details meet the design expectations they have set down for this site.
- 4.11 It is noted within the Officer’s report of handling that there are concerns over ancillary developments and clearly there is direct control possible in terms of any ancillary developments that may require planning permission (and the use of an Article 4 direction remains possible to address those works that would normally be deemed permitted under the General Permitted Development Order).
- 4.12 However, perhaps the greatest concern is then raised regarding those activities that may fall out-with the need for planning controls and the resultant perceived effect on amenity within this area.

- 4.13 Overall, this seems a very extreme stance to take but again it would be possible to overcome such concerns through a very tight delineation of private garden ground / curtilage and what could be deemed wider amenity space (i.e. the bulk of the in-field land). Whilst the applicants do not seek to progress any non-development ancillary developments (i.e. children swings) a lack of available space in terms of limited private garden ground / curtilage would then render even the remote likelihood of such activities taking place as effectively impossible without a further planning application to extend the private garden ground / curtilage in order for these to be accommodated.
- 4.14 In addition, the continued existence of a conservation agreement with the National Trust for Scotland applies a further level of control and therefore activities such as the erection of a children's swing (assuming planning permission could be granted for extension of private garden grounds) would still require to be considered and agreed to by the Trust. The overall desire shared by all parties (applicant, planning authority, Historic Scotland etc) to avoid unnecessary "clutter" in this area would therefore prevail.
- 4.15 In light of this, along with a statement setting out the planning authority's expectations regarding building design, relevant guidance could be offered as to the planning authority's expectations of subsequent applications to address matters specified in conditions in terms of the delineation of plot layout including the limited demarcation and setting out of private garden ground.

Specific Designations or Policy Requirements

- 4.16 Appendix 4 contains a series of documents that define the cultural heritage designations relevant to the subject site. This includes:
- Scheduled Ancient Monument
 - Listed Buildings
 - National Monuments Records
- 4.17 In addition, given the heritage interests in the area, it could be expected that archaeological remains may also be present.
- 4.18 Loch Tay is also included as part of the River Tay Special Area for Conservation due to the presence of internationally important species (salmon, river lamprey and freshwater mussels) and whilst there will be no direct impact on the water environment, indirect impacts could arise through run off from the subject site.

- 4.19 TayPlan Policy 3 reflects the need to balance a desire to continue to support economic and social growth but within environmental limits. Accordingly, the Strategic Development Plan identifies *environmentally sensitive areas and important natural and historic assets where no or very limited development would be permitted* as a means to achieve this. The Policy is then to safeguard natural and cultural heritage assets *but allow development where it does not adversely impact upon or preferably enhances these assets*.
- 4.20 Given this, the overall strategic policy is not to restrict development in what could be regarded as sensitive locations but to ensure no adverse impact on those assets. This factor is then considered in respect of each asset below.

Scheduled Ancient Monuments

- 4.21 As noted in Appendix 4, the designated Scheduled Ancient Monument area is split into 2 parts; the west / south portion associated with the former church and main house nearest the jetty and the second part further east / north associated with the main township and crossing point on the Lawers Burn.
- 4.22 A third designated area is located on the east side of the Lawers Burn opposite the main township and that would be unaffected whatsoever by the proposals. The Old Lawers Graveyard is located a little distance further east again although that is not included within the SAM designation and would also be unaffected whatsoever by the proposals.
- 4.23 The track that runs parallel to the loch shore and which would be upgraded as part of the access to the new dwelling is included within the west / south portion of the SAM designation. No part of the proposals would directly impinge on the east / north portion of the SAM.
- 4.24 Highland Area Local Plan Policy 25 states:

The Council will safeguard the settings and archaeological landscapes associated with Scheduled Ancient Monuments (protected under the Ancient Monuments and Archaeological Areas Act 1979), in the absence of reasons of overriding proven public interest.

- 4.25 PKC Local Development Plan Policy HE1A states:

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

- 4.26 To consider this matter further, it is relevant to review Historic Scotland's consultation response (Appendix 5) that was dated 03 May 2012 which states:

An important element of the setting of the monument is its lack of modern development; the morphology and development history of the village are capable of being understood, as is the undeveloped 'infield' between the southern and central parts of the village.

. . . It is likely that any modern development within the 'infield' will have an impact upon the setting of the scheduled monument, as it introduces a built structure into an area of ground that had deliberately been kept undeveloped. However, we feel that the proposed location and scale of the dwellinghouse is such that it will still allow the 'infield' to remain capable of being understood, especially if formal garden ground and detached ancillary buildings are not proposed. We recognise that the morphology of Old Lawers Village has been taken into account when considering the size and orientation of the proposed dwellinghouse. Given the above, Historic Scotland has does not object to this application.

- 4.27 What this response clearly demonstrates is that Historic Scotland has given due consideration to possible direct impacts on the monument (namely the upgrade of the access track) and impacts on the setting of the monument. On both aspects (notwithstanding that the works to upgrade the access track will also require explicit Ancient Monument Consent in due course), the statutory agency that is specifically charged with safeguarding the nation's historic environment is satisfied that there need not be an adverse impact on this cultural heritage asset.
- 4.28 This then is an important factor to take into account in the determination of this application and whilst the planning authority can come to its own conclusions regarding a proposed development, it is duty bound to have full regard of any response from a statutory consultee.
- 4.29 To set aside and effectively dismiss this advice without any detailed justification is a significant weakness in the officer's report at this time. For example, if the situation had been reversed (Historic Scotland making an objection and the planning authority seeking to progress an approval) the application would be subject to notification to the Scottish Ministers under The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 who would then seek to clarify whether the national interest (which Historic Scotland's advice reflects) would be undermined by an approval.
- 4.30 On that basis, we would respectively advise that, in terms of possible direct impacts on the Scheduled Ancient Monument or its setting, the planning authority must reflect

the advice of Historic Scotland and accept that there need not be an adverse impact arising.

- 4.31 As noted above, further means to control and limit ancillary development and activities can ensure on-going compliance with Historic Scotland's advice and any works in and around the Ancient Monument would be undertaken in full consultation and agreement with the statutory agency (and the National Trust for Scotland).
- 4.32 Accordingly, the proposals can be in compliance with Highland Area Local Plan Policy 25 and PKC Local Development Plan Policy HE1A. In addition, the proposals can meet the wider expectations of TayPlan Policy 3 in that through the realisation of the proposed development, a programme of stabilisation and appropriate site enhancement can be delivered.

Listed Buildings

- 4.33 Old Lawers Church which is located within the west / south portion of the Old Lawers Village Scheduled Ancient Monument, is designated a Category B Listed Building. The Listing description refers to a *T-plan ruin, dated 1669 on lintel of doorway. Rubble-built with moulded window openings; has had galleries at all 3 gables*. The building is currently a ruin with its external walls (and associated features) still evident.
- 4.34 As a B Listed building, the church ruin is considered to be a building of regional or more than local importance, or a major example of some particular period, style or building type.
- 4.35 Highland Area Local Plan Policy 28 states:

There will be a presumption against the demolition of Listed Buildings and against works detrimental to their essential character. There will be a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

- 4.36 PKC Local Development Plan Policy HE2 states:

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, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest.

Encouragement will be given to proposals to improve the energy efficiency of listed buildings within Perth and Kinross, providing such improvements do not impact detrimentally on the special interest of the building.

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 buildings character, appearance and setting.

- 4.37 The relevant aspect of the Policy context is for due consideration of the setting of the Listed Building given there would be no direct impact on the listed structures from either the development of the new dwelling or upgrading of the access track.
- 4.38 The former church is located in the northern half of the west / south portion of Old Lawers Village but set within an area that has overgrown with invasive trees and bushes. On that fact alone, there is no direct visibility of the Church from the north / east (i.e. the site of the proposed dwelling). In addition, given the overgrown nature of the fauna around the church ruins, there is no direct visibility at this time from it of the site for the proposed dwelling.
- 4.39 However, it is accepted that through better management of the monument, some of the trees and shrubs would be cut back to halt any physical impact on the scheduled (and listed) structures. Nevertheless, through careful management of these areas (with all works discussed and agreed with both Historic Scotland and the National Trust for Scotland), the lack of direct visibility between the church ruins and the proposed dwelling house can be maintained.
- 4.40 It is also accepted that consideration of the setting of a listed building goes further than merely consideration of visibility albeit that is perhaps a fundamental point. Consideration must also be had of how a feature would be interpreted and whether a change would alter the ability to effectively visualise that feature in its original context.
- 4.41 Therefore, taking a wider perspective of the site and listed building, one has to ask, for example, whether a viewer moving from the east / north portion of the village (i.e. from the Graveyard back through the township towards the pier) would still be able to appreciate the ruined church without interruption from the presence of the proposed dwelling house. In short, given the proposed positioning of the dwelling house to the south of the access track and its general orientation (facing towards the loch and hence only a gable facing towards the track), this would be possible as the viewer would at most only see the gable of the proposed dwelling house in their peripheral vision when looking south / west towards the ruins.

- 4.42 Similarly, anyone traveling south along the main access track from the A823 or north / east along the loch shore towards the west / south portion of the old village would have very little influence from the proposed dwelling of their views of the former village.
- 4.43 Given the above, our view is that the comments noted by the Conservation Officer are deemed to be a somewhat over-statement of the reality that currently exists and could exist. The comments also contrast significantly to the positive stand adopted by Historic Scotland and the neutral stance (and hence are not in objection) adopted by the National Trust for Scotland.
- 4.44 Comment has been made above regarding the ability to limit the setting out of formal garden grounds (and the effect of the Conservation Agreement with the National Trust for Scotland) and that concern can therefore be addressed. Also, in the same manner that Historic Scotland would be asked to comment and approve any management and maintenance plan for the Monument, their (and the Council's) views on the details of preservation of the setting of the Listed Building (i.e. retention of trees etc) would be sought.
- 4.45 On that basis, the proposals can be in compliance with Highland Area Local Plan Policy 28 and PKC Local Development Plan Policy HE2 as it is not considered to be an adverse impact on the setting of the Old Lawers Church Listed Building.

Archaeology

- 4.46 Given the historic context of the site, it will have an archaeological interest. Therefore Highland Area Local Plan Policy 27 states:

Where it is likely that archaeological remains may exist, the prospective developer will be required to arrange for an archaeological evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist before the planning application is determined.

- 4.47 The consultation response from Perth and Kinross Heritage Trust notes the likelihood of archaeological features to remain, that is notwithstanding there is no evidence of past structures on this site, and have requested an appropriate evaluation be carried out.
- 4.48 It is noted that general preference is for archaeological features to be retained in situ but, where any features are found, these are to be assessed fully and if necessary removed for separate preservation. It is not policy that any necessary preservation of features ex-situ is a reason to refuse development.

- 4.49 At present, it is unknown what may be found and this could range from historic debris associated with village life to fire pits etc. Where any features are found, as part of the pre-construction archaeological survey, the recording and need for ex-situ preservation would be discussed with PKHT and specific requirements then agreed. The necessary approach to this would be discussed as part of the formulation of the Written Scheme of Investigation.
- 4.50 Given the above, the proposals can be in compliance with Highland Area Local Plan Policy 27.

Natural Heritage

- 4.51 Loch Tay is part of the River Tay Special area for Conservation and as such, potential impacts on the water quality within the Local needs due consideration. Highland Area Local Plan Policy 1 states:

The Council will seek to ensure, where possible, that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact.

- 4.52 Within this policy, the guidelines that are relevant to the proposals are:

(c) The quality of the natural environment should be maintained or improved.

(d) Where there is great complexity or there are unclear effect of development on the environment, the precautionary principle should be applied.

(f) Biodiversity is conserved.

- 4.53 Highland Area Local Plan Policy 13 states:

Development will only be permitted on a site designated or proposed under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or a Ramsar Site where the appropriate assessment indicates that the following criteria can be met:

(a) The development will not adversely affect the integrity of the site.

(b) There are no alternative solutions.

(c) There are imperative reasons of overriding public interest.

- 4.54 The subject site itself contains no features specifically noted within the SAC citation and as such the potential for any impacts will arise through activities such as surface water run-off carrying materials into the Loch. Given the scale of the proposed development and the likely volume of any such water the quantum of such impacts would be limited nevertheless, due care and attention is required.
- 4.55 The means to address such issues is for a detailed environmental protection methodology to be prepared and adhered to by all contractors involved in the works and to ensure that, in due course, surface and foul water drainage systems meet stringent performance targets. There are numerous examples of good construction practice in place around the Loch and as such it will be possible to identify an appropriate environmental protection methodology for this site.
- 4.56 Controls of foul and surface water drainage would come under the Controlled Activities Regulations administered by SEPA and as such would not be a specific consideration for the planning application process at this time.
- 4.57 SNH has also indicated that they would not view the proposals as likely to cause a significant adverse effect in the SAC and as such, the proposals are in compliance with Highland Area Local Plan Policies 1 & 13.

Landscape & Amenity

- 4.58 Both of these aspects can be a subjective subject area and due consideration of the possible effects overall, setting aside any emotional response, is necessary. Highland Area Local Plan Policy 2 states:

All developments within the Plan area will be judged against the following criteria:-

(a) The site should have a landscape framework capable of absorbing, and if necessary screening the development, and where appropriate opportunities for landscape enhancement will be sought.

(b) In the case of built development, regard should be had to the scale, form, colour and density of development within the locality

(c) The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.

(d) The local road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided.

(e) Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development.

(f) The site should be large enough to accommodate the impact of the development satisfactorily in site planning terms.

(g) Buildings and layouts for new development should be designed so as to be energy efficient.

(h) Built development should, where possible be located in those settlements which are the subject of inset maps.

4.59 Highland Area Local Plan Policy 3 states:

Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage

4.60 PKC Local Development Plan Policy PMA1 states:

Policy PM1A

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

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

Policy PM1B

All proposals should meet all the following placemaking criteria:

(a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.

(b) Consider and respect site topography and any surrounding important landmarks, views or skylines.

(c) The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

(d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.

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

(f) Buildings and spaces should be designed with future adaptability in mind wherever possible.

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

- 4.61 The core considerations therefore come down to whether there is obvious containment of the proposed development and whether the proposals relate to their local context.
- 4.62 In terms of containment of the proposals, there are clear boundaries to the north (along the line of the access track) and to the west (with a shared boundary with the edge of the defined east / north portion of the Scheduled Ancient Monument).
- 4.63 It is accepted that physical containment of the built elements to the south and west would not follow any existing boundaries but the new dwelling would be located close to the western boundary of the in-field area that separates the 2 main portions of the Scheduled Ancient Monument and as such it would not appear to be “floating” within the open ground. Rather, its association with the western edge of the in-field area would increase the anonymity of the dwelling in landscape terms in this area.
- 4.64 Detailed considerations of any new boundary treatments to the west and southern edge of the dwelling’s curtilage could be duly considered as part of any subsequent application for matters specified in conditions but the premise at this time is to not have any new specific boundaries of what would be a closely defined building curtilage. That would then further reduce the perceived scale of the dwelling (which is in any event modest). The subsequent applications, as noted above, would define the dwelling’s curtilage beyond which no works of any kind (whether within or out-with

the realms of planning controls) could be undertaken without recourse to the Planning Authority for a further planning permission (to extend private garden grounds).

- 4.65 For the avoidance of doubt, the intent is to have a very limited physical features beyond the property walls and this is likely to be limited to a slate cobbled path around the external walls.
- 4.66 On wider amenity matters, this is very subjective and whilst there would be an obvious physical change with the presence of the new dwelling, notwithstanding that this would be designed and located to minimise all impacts, the reality of the situation is that the wider appreciation of the former village, would not be detracted from. Visitors passing along the access track between the 2 portions of the monument need not experience a sense of intrusion from the presence of the new dwelling which would be orientated away from the track. Visitors would also be able to better understand and contextualise the former village through the preservation / stabilisation works that could be brought forward as a result of the development.
- 4.67 Whilst a number of respondents have made comment regarding their perception of loss of amenity, that is considered to be a largely emotive response to the situation rather than based on a more detailed objective assessment of the facts and understanding of the means available to the planning authority to control the delivery of the proposed development through the subsequent planning processes.
- 4.68 Given the above, the proposals can be in compliance with Highland Area Local Plan Policies 2 & 3 and PKC Local Development Plan Policy PMA1.

Consequential Effects

Flood Risk

- 4.69 Highland Area Local Plan Policy 7 states:

Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted. For the purposes of this policy flood risk sites will be those which are judged to lie within:

(a) Areas which flooded in January 1993.

(b) Sites which lie within a flood plain.

(c) Low lying sites adjacent to rivers, or to watercourses which lead to categories a and b above

- 4.70 The position presented by the Council's flooding officer is that the site may be the subject of flood risk and as such a Flood Risk Assessment should be undertaken. However, as part of the initial submission to PKC, an engineer's report was prepared on behalf of the application (see Appendix 4 of the supporting statement included here as part of Appendix a). That report concluded that there would be minimal risk of flooding of the subject site from either the Loch or the adjacent Lawers Burn.
- 4.71 From looking at the physical topography of the area it is evident that the minimal risk conclusion is relevant given the separation from the Lawers Burn and the physical height difference to the Loch. Indeed, ensuring adequate separation from the Loch and the burn has resulted in the subject site being identified for the dwelling and precluded the consideration of a site slightly further east towards the Burn.
- 4.72 The site section plan shown as part of the application package identifies the change in levels between the subject site and the edge of the Loch which is at least 5m and close to 10m (ground levels at the subject site are around 110m AOD based on the noted position of the 110m contour line). Evidence from elsewhere in this area has indicated a 1:200 year flood level at the edge of Loch Tay of around 109m could be expected and that finished floor levels of around 110.6m AOD would be sufficient to ensure any property was beyond the 1:200 year flood risk zone.
- 4.73 As noted above, the ground levels at the subject site are at least at 110m AOD and therefore achieving a finished floor level of 110.6m AOD would have minimal impact on proposed building heights and this also places into context the applicant's engineer's advice that there is minimal flood risk in their opinion. Exact ground levels (and required finished floor levels) could be agreed as part of any subsequent application process and therefore, given this, the proposals can be deemed to be in compliance with Highland Area Local Plan Policy 7 at this time.

Transport / Access

- 4.74 Highland Area Local Plan Policy 41 states:

Adequate provision for car parking, servicing and where appropriate public transport must be made in all new developments in accordance with the Council's standards.

- 4.75 As noted in the Transportation Officer's response, further details would be required in due course (as part of an application for matters specified in conditions and a separate

Road Construction Consent if necessary) and accordingly, at this stage, the proposals can be considered to be in compliance with Highland Area Local Plan Policy 41.

Developer Contributions

- 4.76 It is noted that at this time, the Council has given a holding position regarding the possible need for developer contributions to education capacity. In due course, as part of an application for matters specified in conditions any specific requirement could be identified and an appropriate mechanism to address this agreed with the Planning Authority.

Compliance with the Development Plan

- 4.77 In terms of the Housing in the Countryside Policy we have set out above how the proposals could be interpreted as being in compliance with part (e) of the Highland Area Local Plan Policy 54 and of part 3 of the 2009 Supplementary Planning Guidance on Housing in the Countryside (and Policy RD3 of the Perth & Kinross Local Development Plan). A means to ensure continued compliance with this Policy through the consideration of applications of matters specified in conditions has also been set out and through that mechanism how high design expectations and controls of ancillary (non-development) activities can be applied.
- 4.78 Given this, the planning authority could conclude that the proposals can comply with the Housing in the Countryside Policy.
- 4.79 Given the individual conclusions reached above regarding potential effects (and the means to mitigate these) on scheduled ancient monuments, listed buildings, archaeological remains, landscape and the River Tay SAC, it can be concluded that the proposals can comply with Tay Plan Policy 3, Highland Area Local Plan Policies, 1, 2, 3 13, 25, 27 & 28 and Policies PMA1, HE1A & HE2 of the Perth & Kinross Local Development Plan.

5. Other Material Considerations

5.1 Whilst the emerging Local Development Plan is a material consideration of significant weight, given the status it has reached, it has been considered as part of the core development plan assessment. Other material considerations of relevance to this proposal are:

- Scottish Planning Policy 2010 (in particular paragraphs 113-114, 118 and 196-211)
- Historic Scotland's Scottish Historic Environment Policy 2009
- Relevant public / stakeholder opinions

5.2 These are considered in turn below.

Scottish Planning Policy 2010

5.3 At this time, the provisions of Scottish Planning Policy 2010 have been reflected in the Strategic Development Plan and provisionally within the proposed policy context set out within the emerging Local Development Plan. As such, at the scale of application that is proposed here, the relevance of the national policy context as set out within Scottish Planning Policy 2010 is somewhat diminished.

5.4 Paragraphs 113-114 and 118 relate to national policy guidance in relation to Listed Buildings and Scheduled Ancient Monuments. These aspects have been covered above in the context of the assessment of compliance with development plan policy and Scottish Planning Policy 2010 does not raise any new matters not covered by the development plan policy framework relevant to the subject site.

5.5 Paragraphs 196-211 relate to flood risk and whilst the precautionary principle is stressed within Scottish Planning Policy 2010, it also notes that there is a hierarchy of risk. The applicants' advice from an experience engineer is that the risk is minimal which was informed by an understanding of current ground levels and previously assessed flood levels around Loch Tay. On that basis, Scottish Planning Policy 2010 does not raise any new matters not covered by the development plan policy framework relevant to the subject site.

Historic Scotland's Scottish Historic Environment Policy 2009

5.6 The Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work

of a wide range of public sector organisations. The expectations of the Scottish Ministers in respect to the historic environment are set out within the SHEP, namely:

Scottish Ministers want to:

a. realise the full potential of the historic environment as a resource – cultural, educational, economic and social – across every part of Scotland and for all the people;

b. make the best use of the historic environment to achieve their wider aims of economic and social regeneration;

c. identify the many aspects of our environment and protect and manage them in a sustainable way to secure their long-term survival and preserve their embodied energy;

d. understand fully all aspects of the historic environment, and their condition and inter-relationships;

e. broaden access to the historic environment and break down intellectual, physical and economic barriers;

f. ensure that effective systems underpinned by appropriate legislation and information are in place to conserve and manage the historic environment.

5.7 Accordingly, the key outcomes that the Scottish Ministers expect are:

Key Outcome 1: that the historic environment is cared for, protected and enhanced for the benefit of our own and future generations.

Key Outcome 2: to secure greater economic benefits from the historic environment.

Key Outcome 3: the people of Scotland and visitors to our country value, understand and enjoy the historic environment.

5.8 These expectations are reflected within the strategic development plan policy framework and provisionally within the emerging Local Development Plan policy framework. In addition, the response from Historic Scotland has been prepared in full cognisance of these expectations and as such Scottish Historic Environment Policy does not raise any new matters not covered by the development plan policy framework relevant to the subject site.

Relevant public / stakeholder opinions

- 5.9 As noted in the supplementary submission made by the Applicant following the period for representation on the application for planning permission in principle, the majority of respondents made comment from the perspective that they perceived the new dwelling house would detract from the historic and social importance of the area. However, to consider that perspective in its full context, one must also have full regard of the applicant's own personal attitudes and drivers.
- 5.10 The applicant is not an anonymous property developer who is seeking to progress the most economically attractive outcome possible. Rather, the applicant is an avid historian who acquired this land (which includes the 2 main portions of the Scheduled Ancient Monuments) because of an inherent desire to help preserve Scotland's cultural heritage. The applicant is a Fellow of the Society of Antiquaries of Scotland and of the Architectural Heritage Society of Scotland. He is also a historian who has had a number of his history books published commercially.
- 5.11 A further factor to bear in mind when considering the opinions presented in the various representations made is fact that the site is the subject of an agreement with the National Trust for Scotland. As noted in the introductory sections of this Statement, that agreement requires the applicant to seek their express consent before any work is undertaken. Their silence on this proposal, of which they were fully informed, reflects the fact that they are satisfied that their interests need not be adversely affected.
- 5.12 A couple of public comments relate to perceived impacts on the Old Lawers Graveyard but given the physical separation of the proposed dwelling and the presence of effective woodland screening along the banks of the Lawers Burn, those concerns are unfounded.
- 5.13 The discussions by the Community Council regarding the stopping up of the pier access road is now irrelevant as that order was never progressed by the Council. The reality is that the applicants would be obligated to undertake modest improvement to the form and finish of the access road (controlled through a Road Construction Consent application). All current access rights to the pier, to the north shore of the Loch and to the Old Lawers Village monument (and graveyard) will be retained and wholly unaffected by the proposals (with such access achieved via an improved access road from the A827).
- 5.14 In summary therefore, the key consideration raised in the public representations relate to possible effects on the enjoyment and appreciation of the ruins. However, only with critical stabilisation and preservation works will the current state of the Old Village be

maintained and its gradual degradation, that is well documented, halted. Ultimately the intent behind the design approach is for this to be in keeping with its location and be subservient to the Scheduled Ancient monument as a whole.

- 5.15 On that basis, we would conclude there are no matters raised through public representations that have not been covered by the development plan policy assessment relevant to the subject site and set out in the preceding section.

6. Conclusions

- 6.1 A first point to stress in connection with this application is that it represents a unique set of circumstances and as such would suggest a need for a pragmatic approach to consideration of the proposals. The reality of the situation that requires to be acknowledged is that if the application is granted the Monument that comprises the Old Village will be retained for the future as part of our national heritage, conserved in accordance with the directions of Historic Scotland. Alternatively, if the application is not granted, the monuments will quite literally continue to crumble away.
- 6.2 This site is unusual in that its sensitivity has already been reflected in the fact that both Historic Scotland and the National Trust for Scotland are involved. Their involvement is significant in two ways. First, they have had the opportunity to object to the application, but neither has done so and indeed Historic Scotland has specifically said that they are not against it. Secondly, if the application is granted, Historic Scotland and the National Trust for Scotland will both have a significant on-going role and will direct significant elements of what can happen on the site.
- 6.3 The development plan policy assessment has set out a position whereby the proposals can be held to be in compliance with the development plan. This is on the basis of the dwelling designs being for an exemplary property that takes full cognisance of its location; factors that would be addressed in an application for matters specified in conditions but which would nevertheless require a planning condition to expressly identify the planning authority's expectations in that regard.
- 6.4 The development can facilitate critical stabilisation and preservation works within the Scheduled Ancient Monument and it may be relevant to seek an agreement on the scope of work to be undertaken (in consultation with Historic Scotland) and timetable for its implementation as part of any planning permission in principle and subsequent application for matters specified in conditions.
- 6.5 In any event, the applicant would be obligated to discuss and agree the required schedule of stabilisation and preservation works with Historic Scotland under the relevant provisions of the Scheduled Monument Consent processes as well as with the National Trust for Scotland under the conservation agreement that applies across the site.
- 6.6 Given the stance of SNH, a requirement for appropriate environmental controls during construction and occupation of the dwelling would be relevant to ensure that there would be no adverse impacts on the SAC arising whatsoever. For any avoidance of doubt, confirmation of finished floor levels and the relationship of those to the 1:200

year flood level could also be sought as part of any application for matters specified in conditions.

- 6.7 With appropriate consideration of the siting, orientation and design of the new property, along the lines set out within the application for planning permission in principle, and through the advice offered by Historic Scotland, the dwelling can be in keeping with its location and ultimately be subservient to the Scheduled Ancient monument as a whole.
- 6.8 Notwithstanding the concerns raised by the Planning Officer over the potential for ancillary works being progressed, through the limitation of the curtilage of the dwelling (detailed within an application for matters specified in conditions) the physical opportunity for such (non-development) works can be removed. However, the applicant does not intend to progress such works in any event. In addition, whilst such works may not require express approval from the Planning Authority, they would fall under the auspices of the conservation agreement with the National Trust for Scotland that persists across the site.
- 6.9 The positive stance adopted by Historic Scotland and the neutral stance presented by National Trust for Scotland are both highly significant. The additional provisions related to the Scheduled Ancient Monument and the National Trust for Scotland's conservation agreement can adequately address any lingering concerns over impacts and future control of activity on this site that the Planning Authority may have in granting Planning Permission in Principle.
- 6.10 Given the above, we would respectfully request that on review, Perth & Kinross Council agree that a planning permission in principle can be granted for the proposed development subject to the matters noted being address as part of any application for matters specified in conditions.

Appendix 1: Planning Application Package (30/03/12)

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Appendix 2: PKC Decision Notice (21/11/12)

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Appendix 3: Historic Scotland's Site Observations and Recommendations (22/11/12)

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Appendix 4: Old Lawers Village: Cultural Heritage Designations

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Appendix 5: Consultation Responses

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martin town planning ltd

**East End Park
Halbeath Road
Dunfermline
Fife
KY12 7RB**

12/00628/HPL 261-10 22865/2012 3/4/12
2319-00 22866/2012

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename	WALTER & JANET	Forename	
Surname	REID	Surname	
Company Name		Company Name	MCKENZIE STRICKLAND
Building No./Name	4/0 MSA	Building No./Name	
Address Line 1	23 BANK STREET	Address Line 1	23 BANK STREET
Address Line 2		Address Line 2	
Town/City	ABERFELDY	Town/City	ABERFELDY
Postcode	PH15 2BB	Postcode	PH15 2BB
Telephone		Telephone	01887 829228
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (please include postcode)			
INFELD SITE, OLD LAWERS VILLAGE, LAWERS PERTSHIRE, PH15 2PA			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

SINGLE RESIDENTIAL UNIT

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☒ Letter ☒ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

CHRISTINE BRIEN

Date:

13/4/11

Ref No.:

11/00388/PREAPP

APPLICANTS INITIAL CONSULTATION PRIOR TO FURTHER
DISCUSSIONS BETWEEN AGENT & PLANNING OFFICER
THIS YEAR

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

0.695ha APPROX

Square Metre (sq.m.):

6950m² APPROX

8. Existing Use

Please describe the current or most recent use:

CURRENT GRASSED BUT UNUSED SITE.

9. Access and Parking

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

Yes ☐ No ☒

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

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

Yes ☐ No ☒

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

NONE

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

TBC, PROBABLY 2

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements REFER TO COVERING LETTER.

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☐ No ☒

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☐ No ☒

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

DETAILS WILL BE PROVIDED ON SUBMISSION OF FULL
APPLICATION FOR PLANNING APPROVAL.

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

1 NO HOUSE

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☐

Signature:

Name:

SIOBHAN JOHNSTON

Date:

30/3/2012

FOR & ON BEHALF OF MCKENZIE STRICKLAND ASSOCIATES

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS


CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

 FOR & ON BEHALF OF MHA

On behalf of:

MR & MRS REID (APPLICANT)

Date:

30/3/12

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

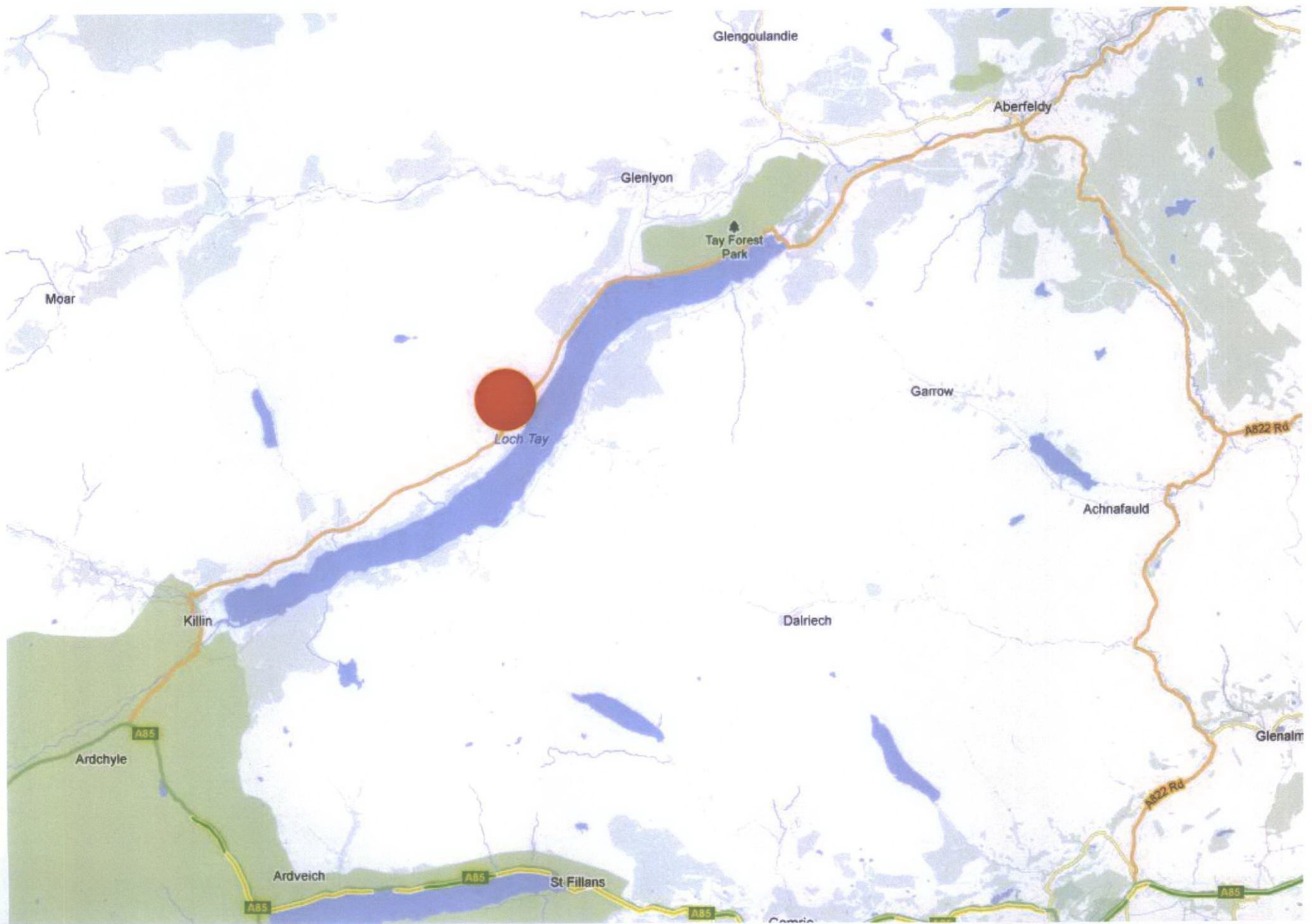
- (1) The applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

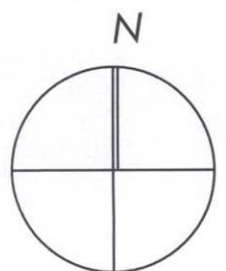
or

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



Location Plan (not to scale)

Old Lawers Village ,Loch Tay Perthshire
ph15 2pa




VIEW TOWARD THE SITE



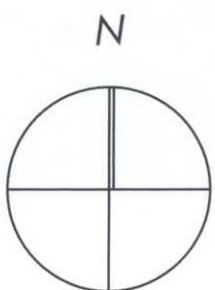
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JOB TITLE: 835 Site at Lawers Village, Perthshire ph15 2 pa for Mr Walter Reid			
DRAWING TITLE: Location			
JOB NUMBER: 835		MODEL FILE:	
DRAWING NUMBER: 835/Pre-app/01		REVISION:	
DRAWING STATUS: Pre-Application		DRAWN BY: CHECKED BY: DO SJ	
SCALE:		DATE: March 2012	




AERIAL PHOTOGRAPHS (not to scale)



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JOB TITLE: 835 Site at Lawers Village, Perthshire ph15 2 pa for Mr Walter Reid			
DRAWING TITLE: Location			
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DRAWING NUMBER: 835/Pre-app/02		REVISION:	
DRAWING STATUS: Pre-Application		DRAWN BY: CHECKED BY: DO SJ	
SCALE:		DATE: March 2012	



ACCESS FROM KENMORE /KILLIN ROAD



VIEW TOWARD THE SITE FROM NORTH WEST




VIEW TOWARD LOCH TAY



VIEW TOWARD THE SITE

PERTH AND KINROSS COUNCIL
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<p>JOB TITLE: 835 Site at Lawers Village, Perthshire ph15 2 pa for Mr Walter Reid</p>			
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<p>JOB NUMBER: 835</p>		<p>MODEL FILE:</p>	
<p>DRAWING NUMBER: 835/Pre-app/03</p>		<p>REVISION:</p>	
<p>DRAWING STATUS: Pre-Application</p>		<p>DRAWN BY: CHECKED BY: DO SJ</p>	
<p>SCALE:</p>		<p>DATE: March 2012</p>	



VIEW TOWARD THE SITE FROM SOUTH WEST



VIEW TOWARD THE SITE FROM SOUTH EAST



ACCESS ROAD



VIEW TOWARD THE SITE FROM EAST

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SCALE:		DATE: March 2012	



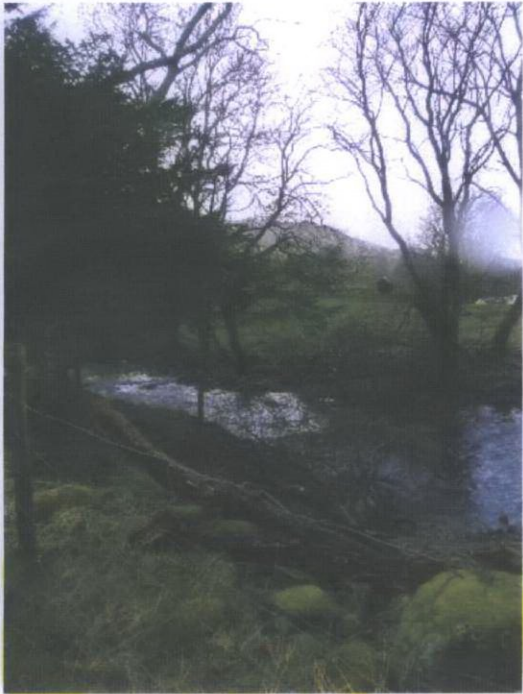
EXISTING RUINS



EXISTING GATE TO THE SITE



POST AND WIRE FENCE
ALONG WEST BOUNDARY



BURN ALONG NORTH
BOUNDARY



MATURE TREES -
NORTH BOUNDARY OF THE SITE

PERTH AND KINROSS COUNCIL

DRAWING REF: 12/00628/5

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DRAWING TITLE: Photos			
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SCALE:		DATE: March 2012	

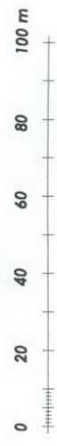


PERTH AND KINROSS COUNCIL
DRAWING REF: 210062816

Access from
proposed house
to A827

Proposed site
entrance

red line extent of application boundary
Outline of lands also owned by applicant



McKenzie Strickland Associates 23 Bank Street Aberfeldy Perthshire PH15 2BB t: 01887 829228 21 Comrie Street Crieff Perthshire PH7 4AX t: 01764 910410

JOB TITLE:
835 Site at Lawers Village

DRAWING TITLE:
Site analysis

DRAWING NUMBER:
835/Pre-app/06

SCALE:
1:2000

DRAWING STATUS:
Pre-Application

REVISION:

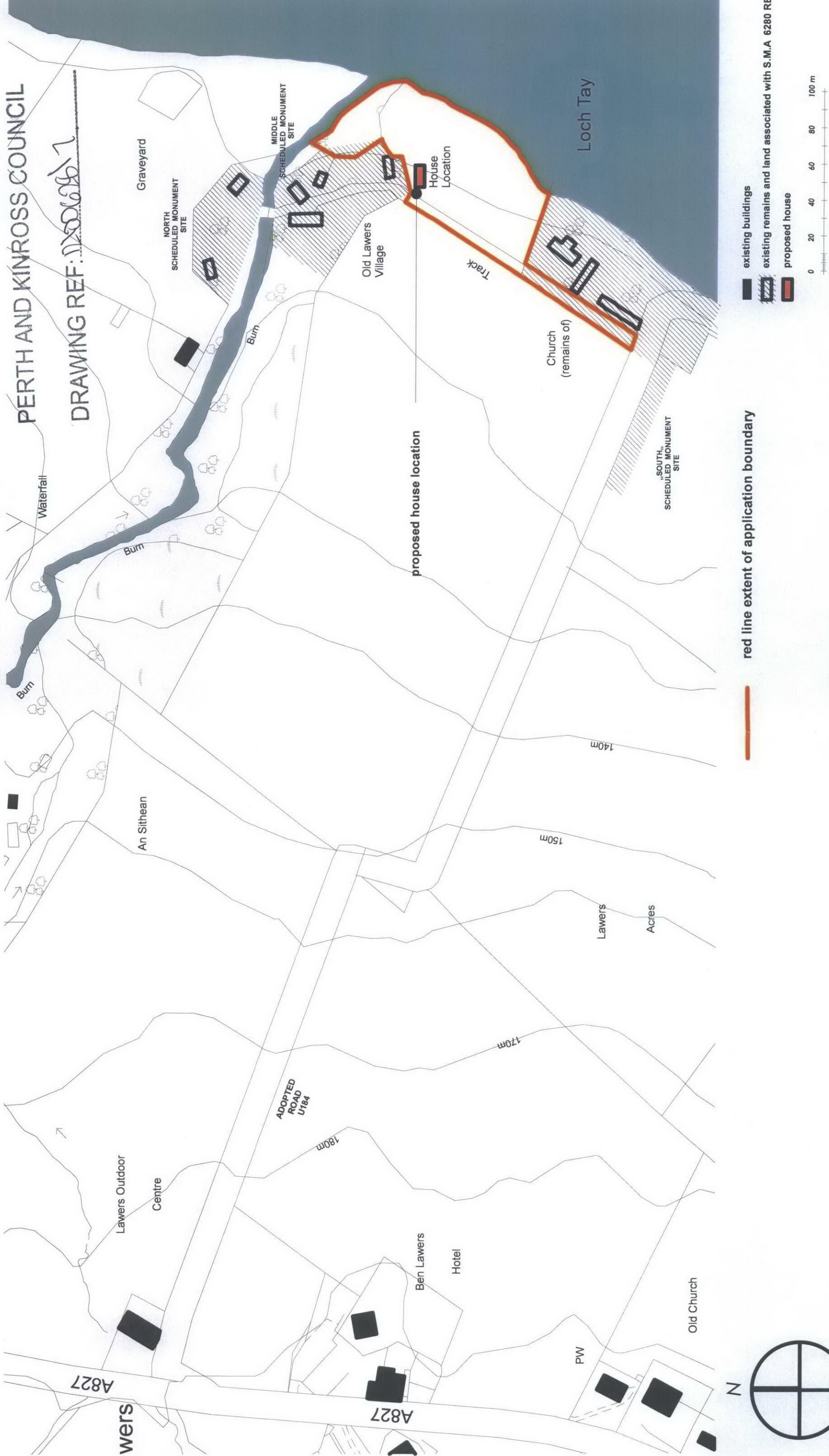
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DATE:
March 2012

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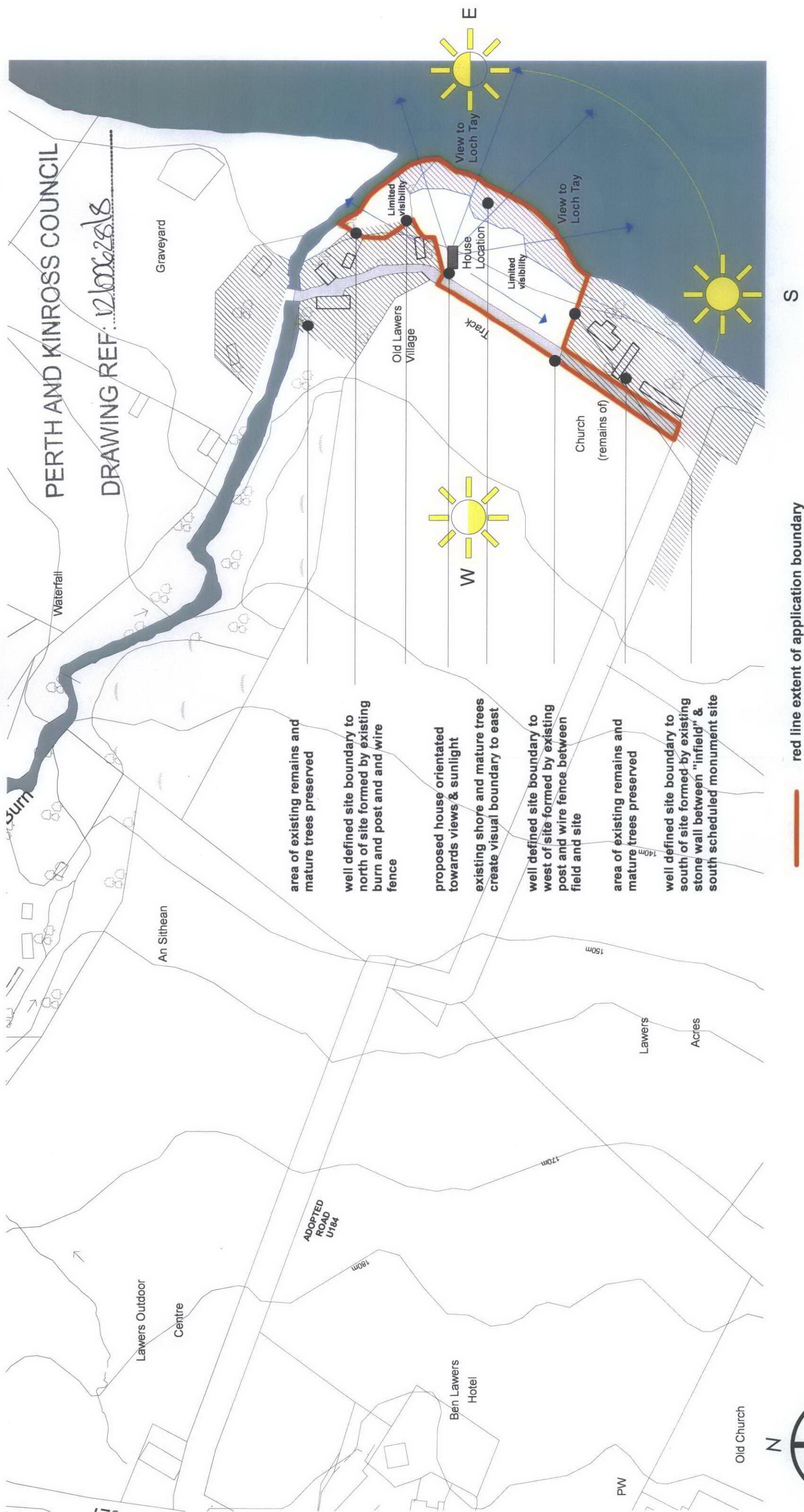
McKenzie Strickland Chartered Architects



red line extent of application boundary

existing buildings
existing remains and land associated with S.M.A 6280 R
proposed house

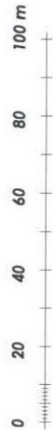
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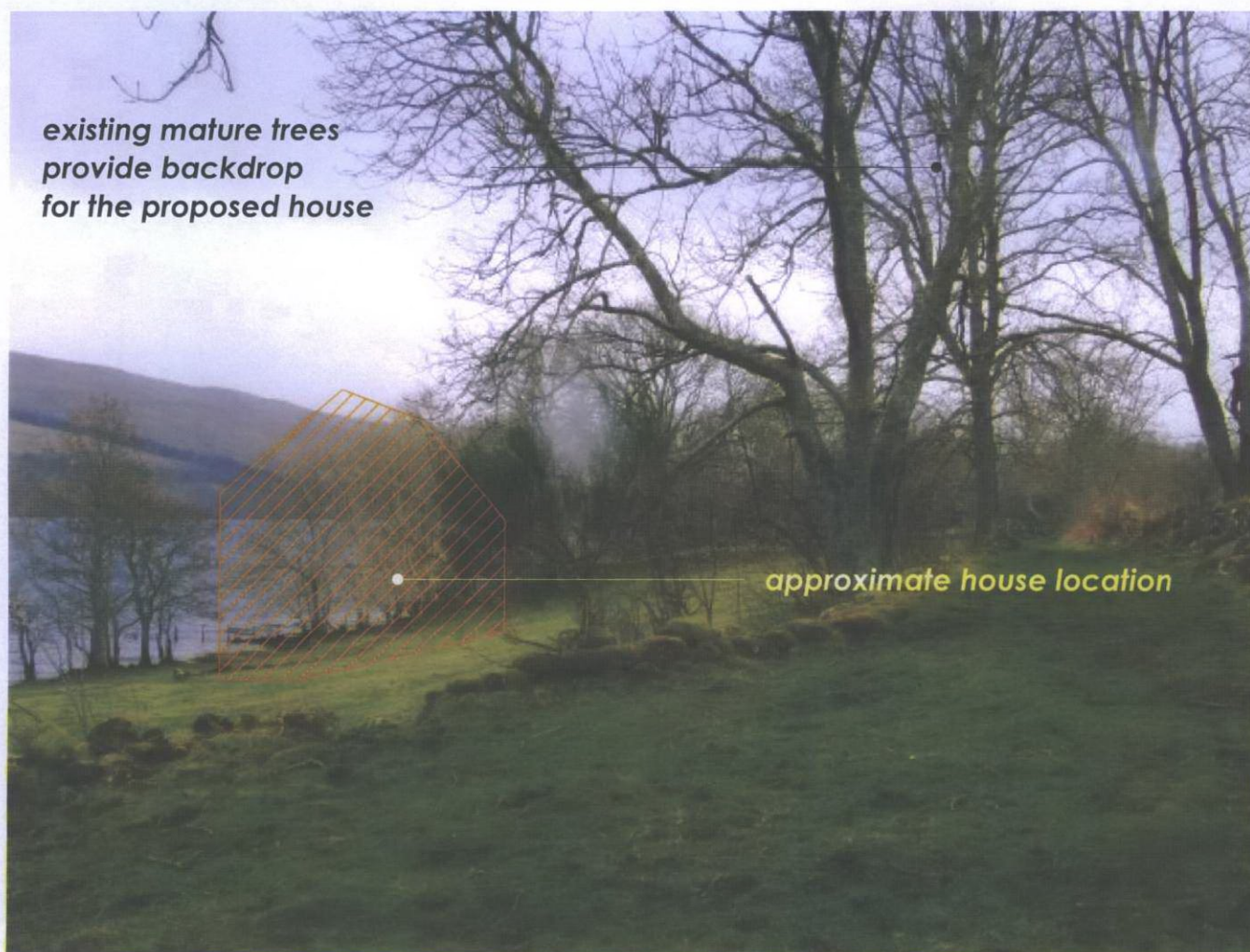
red line extent of application boundary

existing buildings





VIEW FROM SOUTH WEST - PROPOSED HOUSE LOCATION

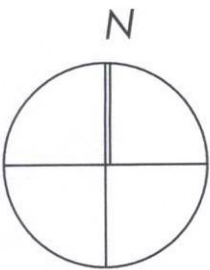


VIEW FROM NORTH EAST - PROPOSED HOUSE LOCATION

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DRAWING TITLE: Site analysis			
JOB NUMBER: 835		MODEL FILE:	
DRAWING NUMBER: 835/Pre-app/10		REVISION:	
DRAWING STATUS: Pre-Application		DRAWN BY: CHECKED BY: DO SJ	
SCALE:		DATE: March 2012	



well defined site boundary to north of site formed by existing burn and post and wire fence

area of existing remains and mature trees

proposed 1.5 storey house foot print area approximately 60m2

well defined site boundary to west of site formed by existing post and wire fence between field and site

area of existing shore and mature trees

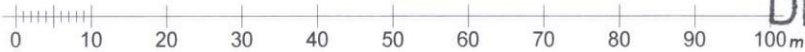
area of existing remains and mature trees

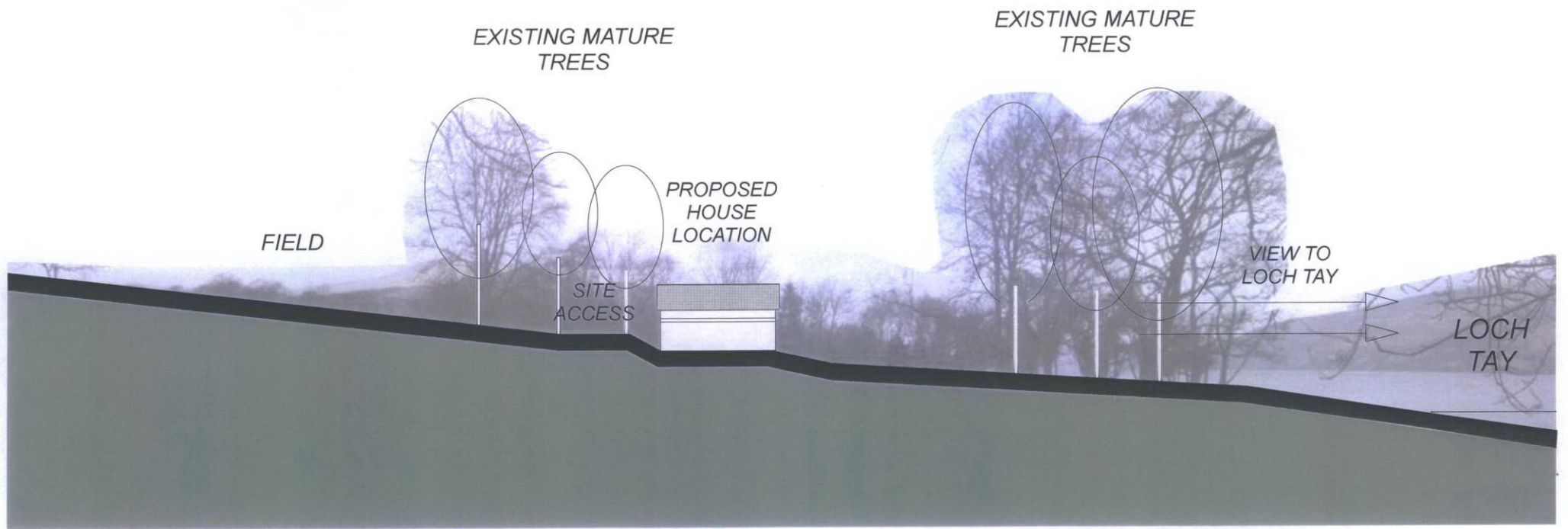
site access

well defined site boundary to south of site formed by existing stone wall between "infield " & south scheduled monument site

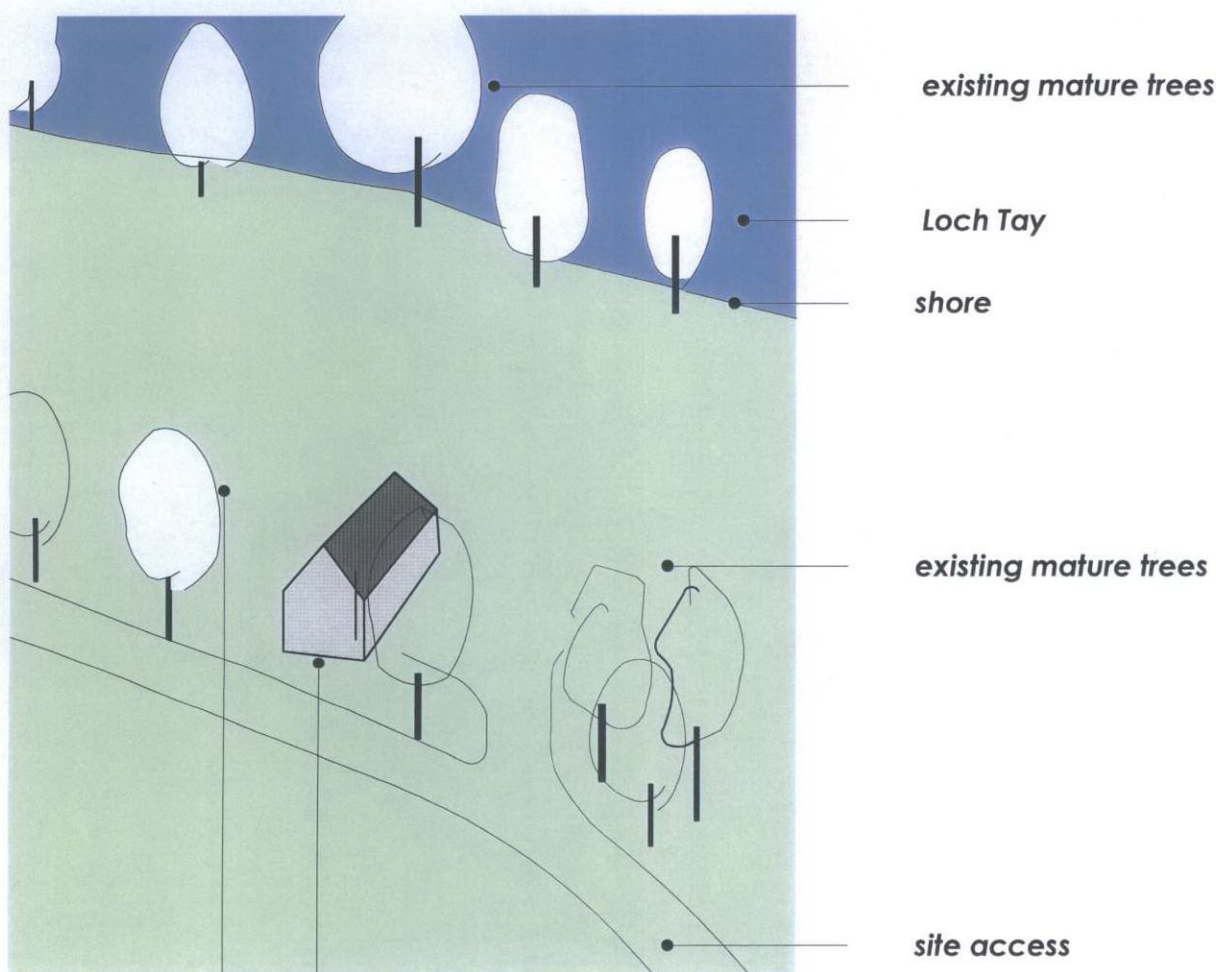
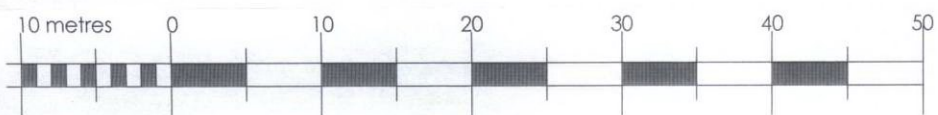
PROPOSED SITE PLAN SCALE 1:1000 PERTH AND KINROSS COUNCIL

DRAWING REF: 12/00628/11






PROPOSED SITE SECTION SCALE 1:500



proposed 1.5 storey house
foot print area
approximately 60m2

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DRAWING REF. 12/00628/12

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JOB TITLE: 835 Site at Lawers Village, Perthshire ph15 2 pa for Mr Walter Reid			
DRAWING TITLE: Site section 1:500			
JOB NUMBER: 835		MODEL FILE:	
DRAWING NUMBER: 835/Pre-app/12		REVISION:	
DRAWING STATUS: Pre-Application		DRAWN BY: CHECKED BY: DO SJ	
SCALE: 1:500		DATE: March 2012	

SITE TO NORTH EAST OF

OLD LAWERS VILLAGE, LOCH TAY PERTHSHIRE, PH15 2PA

For Walter and Janet Reid

OUTLINE PLANNING SUBMISSION

ARCHITECTURAL SUPPORTING STATEMENT TO ACCOMPANY SUBMISSION



March 2012

Prepared by McKenzie Strickland Associates

23 Bank Street, ABERFELDY, PH15 2BB

t: 01887 829228

f: 01887 829 588

e: info@msa-architects.com



PERTH AND KINROSS COUNCIL

DRAWING REF: 12/00628/13

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- Development of proposals and objectives
- Site, setting and context
- Architectural treatment and response to built environment
- Materiality
- Relationship to skyline
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- Vehicular access
- Landscaping response
- Flooding

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- Appendix 1: Location details
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- Appendix 3: Consulting Engineer's Report on Flood Risk
- Appendix 4: Historical appraisals and associated mapping

INTRODUCTION

- Background to the application

This report, to be read in conjunction with relevant site location drawings form the basis of an outline planning application for a single dwelling house on a well defined plot located within the curtilage of Old Lawers Village, located to the east of the current village of Lawers, Perthshire.

The proposed site is owned by the applicant Mr & Mrs Reid, who approached McKenzie Strickland Associates with the intention of securing in the first instance the feasibility for a modest architect designed family home on the site and thereafter for the outline approval for the project proposals

This submission follows on from a previous "pre-application consultation" carried out between the Applicant and the Local Authority circa April 2011 and takes cognisance of relevant comments and consultations with historic / archaeological bodies to formulate a second stage approach prior to the submission of more detailed planning arrangements at some point in the future, subject to feedback received from this application

This application will therefore determine the scope of the projects potential in relation to its locality and also ascertain the extent and level of support the development will receive from Perth & Kinross Council as Planning Authority.

THE SITE

- Site location

Lawers is located just over midway from Kenmore to Killin on the North shore of Loch Tay on the A827 road. It sits at the base of Ben Lawers eastern slopes overlooking Loch Tay and is a collection of varied mainly residential properties and farms with the occasional commercial property such as the Lawers Hotel. The area is popular with tourists and hill walkers due to its proximity to Ben Lawers and Loch Tay. Its setting is dominated by hills, grazing pasture and the Loch itself making it one of the more dramatic and picturesque areas in this area of Highland Perthshire

The location of the proposed site is not located within the current village of Lawers, but set approximately one mile from the village centre, adjacent to the lochside and situated within a grassed "infield" area of land bounded on either side by defined parts of the scheduled monument known as "Old Lawers Village". The site is granted complete seclusion and is essentially invisible from the relatively busy A827 and local amenities.



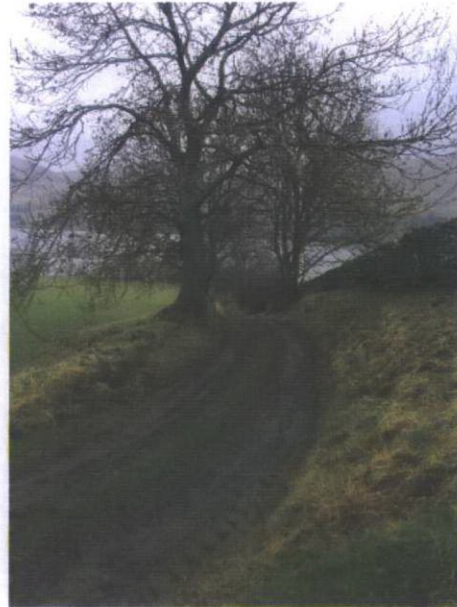
The remains of the original village sit on the shoreline at the mouth of the Lawers Burn where it meets the north Shore of Loch Tay. The location of the original village (dated circa 16th /17th century) was historically important to the farming community of the time, not only as the hub of the area, but also as a ferry port to the south shore of the Loch allowing trade with the areas of Crieff and Breadalbane

The setting and approach to the proposed development is highly dramatic with the ruins of the old overgrown village forming the backdrop to the site and an almost 180 degree vista of the Loch providing scenic views from the proposed position of the dwelling on the site.

- Site access

Access to the site is by way of a single farm track called the Lawers Pier Road (U184) leading sharply off the main road A827, which is at a much higher elevation than the application site.

The track which is an adopted road and is on the List of Public Roads for Perth & Kinross Council, it continues steeply downhill between pastureland fields and leads ultimately to the Loch and the old village pier located to the south of the scheduled monuments. Much of this track is rough and poorly maintained, passable only by 4wheel drive vehicles



The rough track terminates at a gate which permits access to the scheduled monuments. It turns sharply left behind the ruined settlement containing the original Lawers Church and the House of Lawers. The access track runs along the NW edge of the scheduled monument area through a gate and then along a causeway like track which extends along the rear of the "infield" site, linking two parts of the scheduled monument and forming the main access to the proposed development area



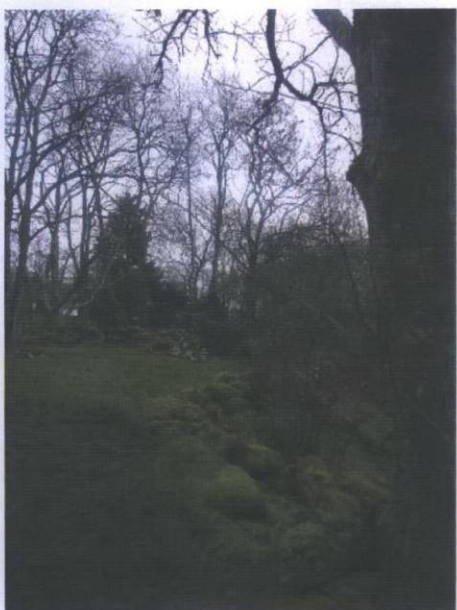
- Historical Influences on the site

Historically this collection of now deserted 17th century stone buildings formed the hub of the original village at a time when the main route between Kenmore and Kilin was much closer to the lochside. The new Lawers village sprang up around its current location with the formation of the current road and the original village fell into disuse not only due to the realigned road, but the demise of the ferry, milling and crofting.

The scheduled monument, designated under the Ancient Monuments and Archaeological Areas Act 1979, ('SAM 6280 Old Lawers Village, deserted settlement, Lawers Acres') is a highly important archaeological site split into two distinct sites and has been the subject of excavations. The south site contains the remains of the Laird's house, The House of Lawers (rebuilt 1650), and the original B-listed Lawers Church (dated circa 1669) and other associated buildings. To the East of the development site lies the central site as referred to in various archaeological texts, with the remains of smaller houses, a kiln, Lawers mill and a number of other small structures.



Although in poor state these ruins clearly show the outlines of the original township and contain a number of artefacts and stone carvings which allows the dating of the various structures. A number of openings are visible within the remains of gable structures (predominantly the south site), which indicate a few of the buildings were 1½ or 2 storey in height.



Currently the structure of the ruins suffers from overgrown scrub and tree cover and as a result the remaining masonry requires consolidation and preservation which our Client proposes to carry out as part of the development. This will be carried out in full consultation with Historic Scotland and the process for this has commenced. A Conservation Architect / Engineer will be appointed in due course.

The scale and form of the existing structures will be used to inform the position, scale and massing of the new building

The site also lies within the River Tay Special Area of Conservation and the Breadalbane Environmentally Sensitive Area

- Site description and Topography

The site is a well defined, roughly rectilinear area of grassed land which is currently unused for any commercial or residential purpose. It forms the unscheduled 'in-field' associated with Old Lawers Village and establishes a distinct visual separation between the south and central parts of the scheduled monument site – this separation will be preserved. The site is predominantly grass land with peripheral woodland areas and the occasional tree within the proposed development boundary. Archaeological records note that at some point in the past (possibly late 18th early 19th century) there has been a large-scale restructuring of the landscape around the entire village but it is not clear whether this involved the development site or simply the areas around the Lairds House.

The "in-field" as a whole is roughly rectilinear and runs parallel with the access track and the shore of Loch Tay. There is a small kink in the outline which extends around the ruined mill and overgrown trees, but does not include any of the ruins. It is in this area the causeway leads down to the lower grassed area and the track appears to end



We consider the site to be clearly defined and bounded as follows: -

North East: a relatively recent post and wire fence separates the site from the immediate burn side of Lawers Burn which follows the line of the boundary roughly parallel to the fence forms a significant visual boundary to the site

South East: the Shoreline of the loch. Though this varies day to day, season to season the edge of the loch can be considered to be a definable boundary augmented by the line of the existing trees which have grown along the shoreline

South West: a drystone dyke with deer type post and wire fence above the line of the dyke separates the infield from the south scheduled monument site.

North West: the slightly more elevated causewayed access track which is the extension of the track running along the NW edge of the scheduled area, delineates this site boundary to a degree, however there is an existing "partially denuded dyke" which forms the site boundary between the site and the pastureland to the west. The rough grassed ground within this area is topographically more elevated here and the natural landscaping

scattered with adolescent indigenous semi-mature tree specimens which complement the more established trees forming the backdrop to the site.

The delineated site landscape is maintained to prevent the site turning to wilderness though the areas around the scheduled monuments is scrubbier in nature and requires attention as part of the development works to prevent further immediate degradation to the archaeological sites

On this basis, with well delineated boundaries on all sides of the site, we believe the site is highly identifiable in terms of Housing in the Countryside policies



Topographically, the site is at its highest along the NW edge of the infield in the location of the existing access track and boundary dyke however the main grassed area drops from this line to slope to the Southeast and the loch shore to form a lower lying plateau. The area close to the shoreline is effected by the day to day waterline and wave action and hence unsuitable for any constructional development

- Adjacent properties

Other than the scheduled monuments, which are obviously not habitable, the adjoining sites are either pasture land or the Loch itself. The monuments are significant in terms of the history of Lawers and require to be given due thought and respect in the development of any new proposals, regardless of the state of decay of the structures. The arrangement of the existing structures form the layout of the existing village and studying this arrangement we can use these influences to locate the new building in a manner that will extend and enhance the plan form of the adjoining properties

A design methodology will also allow for the care and maintenance of these overgrown sites as part of the landscape response.

PROPOSED SCHEME

- History in terms of planning

A Pre Application Enquiry to the Local Authority has previously been submitted circa April 2011 by the applicant and the response highlighted various Local Plan policies which would need to be considered as part of any further application. (Local Plan policies 2, 3, 4, 5, 7, 12, 13, 25, 26, 27, 41 and 54)

It was noted by the Planning Officer who dealt with the Pre Application Enquiry that any further application at that time would not be supported on the basis that the proposals were "considered to be unacceptable" as they did not fall within the terms of either "supportable development" as outlined in the Local Plan Policy 54: Housing in the Countryside, or the Housing in the Countryside Policy 2009.

Concerns were raised by the Local Authority regarding the potential flood risk of the site and the effect the development would have on the Special Area of Conservation designation which covers the whole site due to the scheduled Monuments

The Local Authority state that Pre Application enquiries are merely preliminary consultations and the response should be considered to be a "preliminary view". It is only by the submission of a more formal application in the form of an outline of detailed submission that the Planning Authority can provide a more comprehensive response to the proposals.

- Development of proposals and objectives

The Applicant's brief is to establish feasibility for proposals to provide a home for a small to medium sized family based on traditional materiality and built forms of the existing Old Lawers Village

Feasibility is naturally the inception point of any project and this document and associated drawings form the basis of our outline submission proposals which outline the design proposals and methodology required from a more detailed design development to be carried out in the future.

Using the history and setting of Old Lawers Village and the individual structures that comprise each of the clusters, we can begin to develop proposals for the new dwelling to ensure the design and setting of the new residential proposals has as little impact upon the setting of the scheduled monument as possible and is a comfortable fit in the local vernacular style.

The principles of the proposals are

- To maintain the amenity and conservation of the adjacent scheduled monument (which is degrading as a result of a neglect of vegetation control) and ensure no degradation of the existing structures arises due to the proposal and the future building works.
- Ensure that a structured methodology for preserving the landscape is provided which will include the professional removal of overgrown scrub in the area of the monuments in consultation with relevant historical bodies
- Sensitive upgrading of the existing and only access to the site will additionally facilitate access to the scheduled monuments for the general public
- Design of new proposals to be in keeping with the Current Housing in the Countryside policy

Following approval of this outline submission to ascertain feasibility, a full detailed design exercise will be carried out, though through this analysis provided here as a rationale, a number of features of scale form and materiality will provide a basis for future design concepts to be developed

- Site, setting and context

In all projects it is the site itself which provides the designer with the most logical location for any proposed property. A thorough site analysis must be carried out in advance of any design development to ascertain the most appropriate location for the development within the site. This project is no exception and following consultation with Historic Scotland, which has taken place on site it is evident there is little flexibility in the positioning of any property due to the nature of the site and adjoining areas.

In terms of the archaeology of the area it is evident that although the scheduled monument should be considered as a "whole" there appears to be more architectural weight given to the South Site containing the Church and House of Lawers. From this it is reasonable to conclude that the central area of infield in this area would not be an appropriate location for any new dwelling as it would affect the setting and amenity of these structures and Might receive objections from Historic Scotland.

The nature of the site itself and the lands to the south east and north east alongside the loch and Lawers Burn respectively dictate unsuitability due to the proximity of the waterline. With the only access via the existing track alongside the North West boundary it is logical that the dwelling should be close to this route, but located further to the



north west of the main infield area. This positioning would still maintain the visual and physical separation of the monument sites ensuring the majority of the infield is untouched. The slope down from the North West access track to the southern facing slopes fenced boundary would ordinarily allow for a number of varying plot and house arrangements to be generated. In this instance site context is important to the design proposals and the effect of and on to the adjacent properties will affect the final proposals.

It is evident that any immediate garden ground associated with a dwelling regardless of the design would also need to be considered in relation to the feel of the area and an overall concept for the site landscaping carefully well thought-out. No traditional garden form is

planned but rather a natural response in keeping with the current composition. From recent consultations with Historic Scotland this could mean little or no formal landscaping or ancillary accommodation buildings, such as sheds or detached garaging could be provided which would affect the context of the adjacent ruins and could visually impact the sites in a negative manner.



It is customary for any analysis to take into account the arrangement of any existing structures and in this instance regardless of the history of the site we must consider the setting of the original village. The central site forms a loose irregular arrangement of small scale structures generally arranged in a cluster forming a relatively "open

plan" arrangement, which is organic and functional and although this proposed development site will be physically separated from the original cluster by an existing retaining wall structure of the causeway and adjacent ruin the new house could be considered to be an organic extension of this settlement. The orientation and scale of the proposals to sympathetically reflect this traditional composition thus ensuring it is keeping with the traditional appearance and plan forms of the existing building cluster

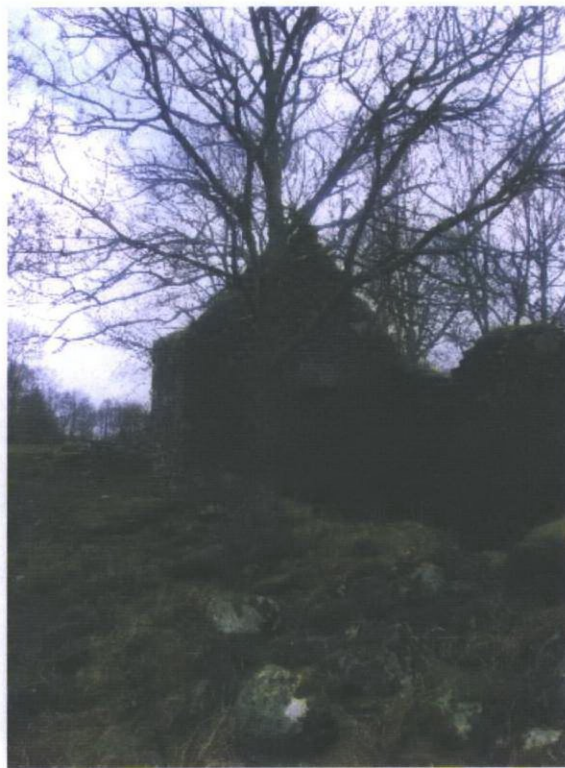
Historic Scotland will be consulted by the Local Authority as part of the application process and it is possible that concerns regarding the location of a dwelling on land forming the 'in-field' associated with Old Lawers Village as well as potential proximity to the House of Lawers, to the south would be raised. We trust that the siting proposals contained in this outline application would alleviate those issues.

In addition to tabletop exercises it is also understood that relevant Archaeological investigations will be required and progress is being made to facilitate any procedures that would be required in the area of the proposed dwelling.

- Architectural treatment and response to built environment

The full architectural response for the property should reflect the traditional architecture of the existing building cluster, which although are in a ruinous state can provide a number of design precedents in terms of scale form and materiality.

Many of the original structures are small and compact in footprint and may have been single storey it is assumed these were mainly domestic cottages, but there is evidence for ancillary usage also. Archaeological evidence believes that the original House of Lawers was possibly a small fortified "castle" but following its destruction in 1645 was rebuilt, possibly reusing the original castle stone, as a more modest Laird's residence and dwelling of the mythical Lady of Lawers. This is the structure we see in part today



It is likely that the rebuilt House of Lawers was still a larger construction being a more significant house and could have been 1½ or even 2 storey in level. The Mill and Church would have had a more important role in the village and could have been larger in size due to the nature of their usage. There is evidence on all remaining gables of the church that there had been upper floor galleries at some point in its history suggesting a 2 story form. The influence of these details determines the shape and size of our applicant's proposals in order to present as little impact upon the setting of the scheduled monument as possible



PROPOSED MATERIALITY AND FORMS

(note buildings shown in these images are not in area of the site, but are used here purely for precedent)

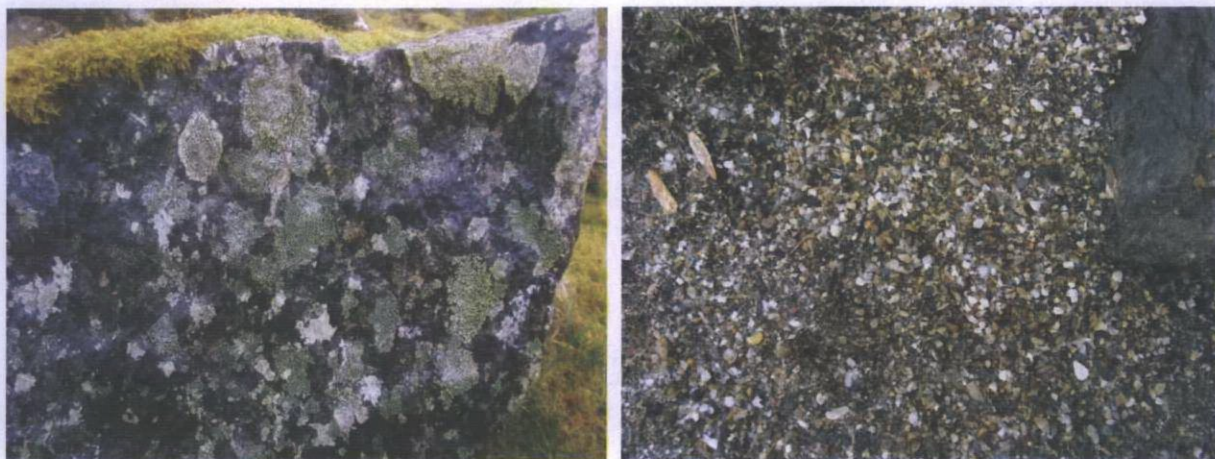
Proposals for the new dwelling need to reflect the historic form of the existing structures and the creation of a modern take on the traditional Scots smallholding would be strongly favoured. The most historically sensitive arrangement would be a rectilinear footprint containing two or three bedroom, probably of 1½ storey.

Traditional "butt and ben" or "black house" styling and form with regular fenestration and masonry chimneys would form the basic external styling, in keeping with a more 17th and 18th century styling, but translated into 21st century internal spatial flexibility and modern day construction techniques to ensure the building meets with all technical standards for Building construction

Materiality

Traditional design ought to be the basis of the conceptual core of the proposals. The remains of the existing Old Lawers Village Buildings are predominantly Rubble-built structures with moulded window openings. The Old Lawers village centres on traditional massing and vernacular materiality such as stone wood and presumably slate or even thatch/turf though there is no evidence for the latter within the ruins. There is certainly proof of these materials being used in the surrounding areas, such as at Fortingall and at Tullycro, near Dull

Further afield, in the new village, there is a variety of forms and materials used with varying degrees of success, but it is apparent that the pallet of proposed materials here should be limited to natural, preferably locally sourced materials such as un-coursed stone and slate with timber windows and doors. There is no evidence for timber cladding or render, but these materials could have been used historically but have long since been removed from the site or decayed so their potential use should be limited.



The colour palette will naturally be subdued: slate grey, natural stone varying in colour from blue grey to pale grey. The natural environment can influence the applied colour: moss and lichens evident on the fallen walling of the settlements could allow us to introduce muted greens and blues while the finely gravelled shoreline could provide influence over the hard landscape finishes with a cream, beige and brown colours range.

The basis of this palette dictates the appearance of the dwelling and ensures the form is again in keeping with the remnants of the original settlement.

- Relationship to skyline

Though this development proposal is not fully advanced in terms of design, the proposed location for the dwelling, as described in siting / context section, would sit within the site forming a natural extension to the existing cluster of structures forming the central monument site. In this location the site topography is slightly higher than the sloping plateau of the infield site away to the south East and would result in a slightly more elevated position than the loch shore. However the emphasis here is the effect the proposals would have from the South Monument site. From this location the proposals would be associated with the central site, which itself is at a lower geographic level being closer to the Lawers Burn, nestled into the small gorge like area formed by the burn.



Siting here would utilise the hillside slope and the background tree canopy which lines the burn behind the central site and hence would be used as a backdrop to the proposals from the Church and House of Lawers position. The proposed low lying form of the structural design would minimise the height of the property assisting to minimise any impact on the existing skyline

- Site servicing

Prior to any further applications pertaining to the site, a course of investigations will be carried out to further clarify the soil conditions with respect to foundation requirements and site drainage

Sewage treatment: It is anticipated that there is no mains drainage in the area. Following site investigations and porosity tests a suitably designed septic tank / treatment installation will be provided and contained within the site ensuring no pollutions will be discharged into the adjacent watercourses and in accordance with relevant SEPA Guidelines

Surface Water: A SUDS type drainage systems into soakaways from any hardstanding areas will be incorporated. The potential for rainwater harvesting from roofed areas will also be investigated

Power: Requests for electricity connection to the existing mains will be requested at an early stage. Alternative energies would usually be considered however the influence historical nature of the site may be prohibitive as these systems often require the installation of contemporary equipment which may affect the archeological setting and may not find favour with Historic Scotland or the Planning Authority. This could be the subject of further discussions however.

Water supply: It is anticipated that there will be no mains water supply in the area and discussions to provide this will be carried out with the service provider. Historically the loch and burn would have been the main sources of water to the village and it is anticipated that with proper treatment and storage a new supply to the property could be sourced in this same manner

It is noted that both Electricity and public water supply routes would need to avoid the scheduled monument if at all possible. Provision and routes for services will be made in conjunction with the service provider.

- Vehicular access

As previously referred to, the existing access from the main Kilin Kenmore road is by way of a rough track called the Lawers Pier Road (U184). It has been confirmed by the Environment Services Department of Perth & Kinross Council that this "road" is still adopted and is on the List of Public Roads for Perth & Kinross Council.

It was noted that following objections by the local canoe club to the proposed "stopping up" of this road in 2007 by the Local Authority the "stopping up order" was cancelled



This access, which is shared by the Lawers Outdoor centre and for access to fields bounding the road, is the only true access to both the site and the scheduled monuments and would be reused as the main driveway to the new dwelling.

The existing turn off from the road is quite tight particularly from the north and visibility is limited in this direction. Discussions with the Roads Department would be carried out in accordance with the development of the proposals and its anticipated improvements would be made at the applicant's expense.

- Landscaping response

A detailed landscaping response will consolidate and enhance the existing setting with minimal impact on the surrounding backdrop and further detail would be provided to the Planning Authority as part of a more detailed planning submission.

The intent for the soft landscaping proposals would be natural and low key – augmenting the native, self seeded species and possibly forming a degree of screening to the house from the House of Lawers site. Hard landscaping would be kept to the minimal required in terms of technical and planning standards and finished in materials to permit access to the dwelling, but in keeping with the materiality of the site.



The existing shared site access will be retained and reused. The upgrading of the access track with geotextile membrane over the current surface of the track, followed by appropriate surface material would also benefit access to the scheduled monuments and would be supported by Historic Scotland. Historic Scotland recognise that an upgrade to the existing access track would be beneficial and have provided a proposal for a practical yet sensitive "running surface" suitable to access both dwelling and scheduled monument. The application would require scheduled monument consent for this work

Parking standards and turning facilities in accordance with current legislation will be provided though integrated into the existing topography to minimise its impact. This will naturally be subject to discussions with The Planning Authority who may need to advise on whether the standard requirements for this item would indeed be required as this might have a negative effect on the setting of the historic sites

Further to on site discussions it was confirmed that Historic Scotland would fully support any measures to undertake positive vegetation management works which would include clearance of minor scrub, bracken, whins and trees where the stem diameter is less than 10cm to the central and southern sections of the scheduled monument.



Any proposed clearance of trees greater than 10cm within these areas will require written consent from Scottish Ministers which will be sought as part of an scheduled monument consent (SMC) administered by Historic Scotland. Therefore as part of the site strategy and landscaping, all existing large site trees, walls and fences would be retained and management works carried out as necessary to maintain the existing character of the adjacent sites

- Flooding

The Applicant has employed a consulting Engineer to ascertain the flood risks associated from various sources on the site. From initial site visits it was believed the main risks would be from

- Loch Tay
- Lawers Burn and its tributaries
- Overland flow during extreme wet weather

Further to research investigations, the Engineer's report clearly states that the risks associated with these potential sources of flooding are 'minimal', provided that the proposed dwelling is located on the more elevated areas of the site (North West) and away from the wave action of the loch.



The Burn sits significantly lower than the proposed site and also should not affect the dwelling location due to the site topography.

Overland flow was not considered to be an issue following on site investigations to ascertain if there had been any history of water erosion – there did not appear to be any visible appearance of such matters and no boggy areas were apparent in the surrounding areas which would highlight any prolonged surface water issues

The Engineer provided some thought on the future design and arrangement in terms of floor levels and doorways and the provision of land drainage in the immediate area of the dwelling. These comments will be considered and measures incorporated into the proposed detailed design arrangement

From this it would appear that the site, though affected by the loch wave action, would not be at any apparently risk of flooding and hence this would infer this matter would not be an issue

CONCLUSION

From the reasoning outlined within this document, it is believed that the feasibility of the proposed residential site at has been demonstrated on the following basis: -

- The site is fully identifiable on all boundaries providing a complete enclosure to the site through existing retained stone walls fencing and shoreline
- There is an existing adopted junction and rough access from the main road to the site which can be utilised for access to the proposed dwelling
- The current track would need to be upgraded in the locality of the south Monument site with a suitable surface finish, but would be supported by Historic Scotland to facilitate access to the Archeological sites adjacent
- Assurance is given that subject to approval of this outline application further more detailed planning submission would ensure the proposed residential development will meet and exceed the quality of design as required in Local Authority Planning Policy
- The proposed detailed design will take precedent from the existing historic site and preserve the amenity of the scheduled monuments and infield area while still be sympathetic to the form of the original Old Lawers Village arrangement
- A sensitive palette of materials and colour will be used in keeping with the existing built environment and natural Environment
- It can be demonstrated that the proposals can be made to meet with relevant siting criterion with respect to enclosure and backdrop
- There is no risk to the location of the dwelling on the site from flooding from loch watercourse or overland
- The applicant would undertake positive vegetation management works of the scheduled monument with support from Historic Scotland

It is evident that due to the sensitivity of the adjacent sites that any design proposals need to conserve the integrity of the archaeology of the area, both physically and visually without taking away the historical emphasis of the area. Hence it is vital that the development site, the "infield", retains the visual separation between the sites and the new residential proposals maintains the original form and structure of the existing settlement. The application proposals will therefore pay due respect to the architectural and archaeological history of the Old Lawers Village and we would anticipate that Perth & Kinross Council as Planning Authority would fully support the proposals on this basis

Appendix 1: Location details

Site address : Site north east of Old Lawers Village,
Loch Tay
Perthshire,
PH15 2PA

Site type : TOWNSHIP

Ancient Monuments and Archaeological Areas Act 1979,

Designation Reference: 'SAM 6280 Old Lawers Village, deserted settlement, Lawers Acres'

Royal Commission on the Ancient and Historical Monuments of Scotland

Reference : Canmore ID 91848

Map reference : NN684 394

Parish : Kenmore

Council : Perth and Kinross

Distance to major habitable areas

Perth : 45 miles

Edinburgh airport : 75 miles

Glasgow airport : 70 miles

Appendix 2: drawing schedule

Drawing description	Drawing number
Location Plan	835/Pre-app/01
Location and aerial photographs	835/Pre-app/02
Site photographs	835/Pre-app/03
Site photographs	835/Pre-app/04
Site photographs	835/Pre-app/05
Site analysis - access	835/Pre-app/06
Site analysis - ownership	835/Pre-app/07
Site analysis – site arrangement	835/Pre-app/08
Site analysis – existing landscaping	835/Pre-app/09
Site analysis – photographic location	835/Pre-app/10
Proposed site plan	835/Pre-app/11
Proposed site section	835/Pre-app/12

- Appendix 3: Consulting Engineer's Report on Flood Risk

Our Ref: BC/AL/1011/D2315

19th July 2011

Mr R Johnston

McKenzie Strickland Associates
23 Bank Street
Aberfeldy
PH15 2BB

Dear Bob,

**LAND AT OLD LAWERS VILLAGE, LOCH TAY, PERTHSHIRE
PRELIMINARY STATEMENT ON FLOOD RISK**

I refer to our recent telephone conversation regarding the above site and your client's need for advice on flood risk with regard to the potential for building a single dwelling on the site next to Loch Tay, and general advice on flood risk at the site adjacent to Lint Mill. These are considered in turn below under the headings "Loch Tay Site" and "Lint Mill Site".

Loch Tay Site

I have now considered the plan you sent indicating the preferred location of the house (copy of plan attached), and have visited the site. Based on the information available to me at present I can state the following:-

- The potential sources of flooding to the site are from:-
 - Loch Tay
 - Lawers Burn and its tributaries
 - Overland flow during extreme wet weather
- The risk of flooding due to high levels in Loch Tay during prolonged periods of wet weather are minimal. The location of the proposed house is well up the slope of the open field of the site, and sufficiently set back that it is unlikely to be affected by high loch levels or wave action during storms. The exact extent of any flood plain could only be ascertained by a full assessment based on a topographical survey of the site but this is in my opinion unlikely to show up any problem.
- The risk due to flooding from the Lawers Burn and its tributaries is also minimal. The main watercourse channel is contained within a relatively deep and wide valley which is not likely to be overtopped during extreme storm events, and is in any case situated a reasonable distance (70m approx) north east of the proposed house. There are several tributaries a short distance upstream including an old mill pond and lade, but again the prevailing slopes mean that none of these tributaries would be likely to overflow the main channel to the detriment of the site of the proposed house.
- Despite being at the bottom of extensive sloping fields which stretch to the A827 road and beyond, there is a surprisingly small area of field (essentially only the field immediately uphill of the site and a small part of the next field uphill) which would potentially contribute to overland flow

at the house site. This would only happen when a combination of saturated ground and intense rainfall combined to generate run-off. Owing to the small area, the fact that ground uphill is not overly boggy and that there are no signs of regular erosion due to overland flow, I would not anticipate this to be a major concern. However as a precaution I would recommend that floor levels and doorways are kept above the prevailing line of slope of the existing ground, and that a cut-off drain is installed above the building to intercept any surface water arriving up-slope of the building.

- There are unlikely to be significant problems of emergency access/egress from the site due to flooding, as the existing access road is well away from any significant watercourses. There is a field drain which passes under the road just uphill of the "kink" in the access road via a culvert. There are indications this culvert is partially blocked or collapsed and we recommend that this is properly assessed and appropriate remedial action taken before the track is used as access to any permanent dwelling.

Lint Mill Site

At present we are not aware of any particular proposals for this site, but assume that we should consider if any of the area outlined on the attached plan is suitable for location of a house with respect to flood risk.

The site is very steeply sloping and is situated just upstream of the confluence of the Lawers Burn and a smaller tributary. The latter has been used as water supply for the former Lint Mill. The two water courses form the north eastern and north western boundaries respectively.

The Lint Mill building, immediately upstream of the site, has been converted into a house in the recent past and is situated at the end of an access track shared by several dwellings which connects to the A827 road.

Based on a recent walkover of the site, I can state the following:-

- The potential sources of flooding to the site are:-
 - Lawers Burn and its tributaries
 - Overland flow during extreme wet weather
- The risk of flooding from Lawers Burn and its tributaries is low for the majority of the site as the site slopes steeply upwards from the Lawers Burn and the former mill burn. There would be a small proportion of the site within the floodplain of the watercourses, but its exact extent can only be delineated by a full FRA with river modelling.
- The risk from overland flow is not significant within the site as the catchment area potentially draining to the site is not significant, and the topography of the site is not likely to allow accumulation of overland flow. Normal precautions (as previously discussed for the Loch Tay site) should be taken regarding floor levels, location of doorways and uphill drainage cut offs.
- It should be noted that there are likely to be significant problems regarding emergency access/egress from the site during floods if the only access route is via the existing track to Lint Mill, as this crosses the mill burn by means of a ford. However, this should not be an insurmountable problem for a single dwelling, provided an alternative pedestrian access route can be provided via the adjacent fields to the south (note that this could be relatively informal, e.g. incorporation of stiles at fence crossings).

Overall I can state that my initial assessment shows that both sites are potentially suitable as a location for a dwelling, with respect to flood risk.

I trust this meets with your approval.

Yours sincerely,

Brian Coghlan
Technical Director

Encl

- Appendix 4: Historical Appraisals and Associated Mapping

FROM THE NATIONAL ARCHIVES OF SCOTLAND
NOT TO BE REPRODUCED WITHOUT PERMISSION

6280

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
ENTRY IN THE SCHEDULE OF MONUMENTS

The monument known as Old Lawers Village, deserted settlement, Lawers Acres comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and likely to contain buried archaeology dating to earlier periods. The area to be scheduled is divided into three parts encompassing the visible remains and other areas in which significant associated deposits are likely to survive. The areas are irregular in shape with maximum dimensions of 70m WNW-ESE by 25m (N area), 78m WNW by 68m (middle area) and 114m NNE-SSW by 100m (S area). The monument, which lies in the Parish of Kenmore and the County of Perth as shown outlined in red on the Plan annexed and executed as relative hereto and which forms part of the subjects described in the 1. Disposition by Norman Ross in favour of Thomas David Ironside dated 17 December and recorded in the Division of the General Register of Sasines for the County of Perth on 17 December both in the year 1993 and 2. Disposition by Walter Hughes in favour of John Archibald Anderson McLellan dated 15 June and recorded in the Division of the General Register of Sasines for the County of Perth on 30 June both in the year 1951 (the present owners whereof being 1. Thomas David Ironside, Struan House, The Square, Aberfeldy and 2. Jack Nigel Allen Fletcher, Manor Barn Cottage, Haberton, near Totness, Devon, Louise Mary Fletcher or Milsom, Capeachy, Golla Water, Penhallow, Truro, Cornwall), is hereby included in the Schedule of Monuments appearing to the Secretary of State for Scotland to be of national importance compiled and maintained by him under section 1(1) of the Ancient Monuments and Archaeological Areas Act 1979.

Given under the Seal of the Secretary of State for Scotland.

Assistant Secretary
Date 20 DECEMBER 1995

Historic Scotland
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Register on behalf of the Secretary of State for Scotland in the Register of the County of Perth.

Solicitor, Edinburgh, Agent

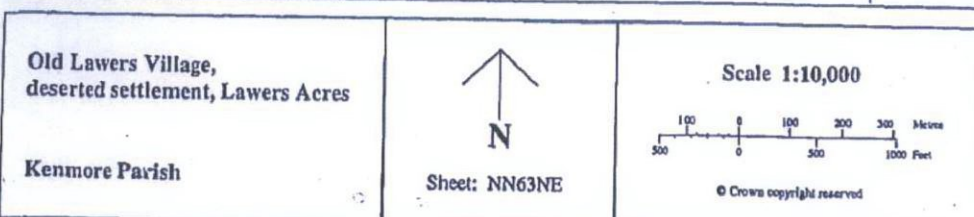
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PH 96 116

REGISTERS OF SCOTLAND
GENERAL REGISTER OF SASINES
COUNTY OF PERTH
FICHE 116 FRAME 32
PRESENTED & RECORDED ON

28 FEB 1996

32



IDMSO Cartographic Centre 95072834

ARCHAEOLOGICAL AND HISTORICAL CONSIDERATIONS

1. Introduction

This section of the Design Brief is intended to identify the sensitive architectural and historical implications of the application and to consider how they can best be addressed. The technical analysis on which it relies is based very largely on *An Archaeological Field Survey of a Deserted Settlement at Milton of Lawers, North Loch Tayside, Parish of Kenmore, Perth and Kinross Council*, Part One edited by Dougall MacInnes and Margaret Alexander, Association of Certificated Field Archaeology (Glasgow University), Occasional Paper Number 21 Glasgow 1998 ISBN 086389 1063 and Part Two edited by Dougall MacInnes, Association of Certificated Field Archaeology (Glasgow University), Occasional Paper Number 35 Glasgow 2002 ISBN 086309 027X.

2. The Challenge

- 2.1 The property owned by the applicants consists of an open area of grassland ('the Field') bounded on the south-south east by Loch Tay and on the north-north west by a cattle fence immediately to the south south-east of which runs a track ('the Track'). For convenience throughout this section the Loch Tay boundary of the ground owned by the applicants is referred to as the south boundary and the north-north west boundary as the north boundary, and the ground at either end of the Field will be referred to as if it lay squarely east and west.

To the east and west of the Field are two sites together constituting a Scheduled Ancient Monument (SAM). In both cases, the site extends beyond the ground owned by the applicants. For the avoidance of doubt, it is recorded that none of the Field is scheduled. Although the two sites constitute a single SAM, here, because they are separated by the Field, they are referred to for convenience as the western SAM and the eastern SAM.

The two SAMs and the Field collectively form the Deserted Settlement of Milton of Lawers. While there are very many deserted settlements throughout Scotland, Milton of Lawers is of particular interest. It is so partly because of the history and folklore surrounding 'The Old Lady of Lawers', to which further reference will be made. It is so also because the site is not without some genuine historic interest. It is so particularly, however, because it is an excellent example of the rise and fall of a small rural community as a result of changes in economic and agricultural practice.

Milton of Lawers contained several mills, as its name reflects, one and possibly another within the ground owned by the applicants. Because of the existence of the feudal incident of 'multures', which required the community to make use of a particular mill, and either to pay for milling, or in the absence of materials requiring milling, to make payment of a tax to the mill, mills were a valuable source of income to landowners, in this case the Breadalbane family, and a mill town was consequently, in its time, an important location.

The dwellings associated with it were inhabited by people whose life was essentially an agricultural one. At Milton of Lawers the agricultural economy was a mixed one, based on both arable farming and animals ('black' cows, agricultural horses and sheep). Agricultural activity took place on the upland outfields and on the improved pasture of the infield, part of which was formed by the Field.

- 2.2 The challenge therefore is to design a building which, apart from other planning and aesthetic considerations, neither compromises the appearance and intelligibility of the SAMs nor renders the infield difficult to read.

3. *Analysis*

3.1 History.

Documentary evidence of settlement in the area goes back to at least the twelfth century, but around the sixteenth century Lawers achieved its greatest importance, having been erected to a Barony for the Campbells. King Malcolm IV had earlier granted the Barony to the MacMillan family. They retained the support of the Crown under Robert the Bruce, who took refuge with them after his defeat at Dail Righ near Tyndrum in 1306, but David II (1324-1371) was concerned that the MacMillans would be hostile to him in the event of a highland revolt, and ordered their expulsion around 1360, when their land was given to the Chalmers. Thomas Chalmers (or Chalmer) however, was one of the assassins who killed James I in 1437, and his lands were forfeit. In 1473 the King's grandson, James III, granted Lawers which had been in the hands of the Crown since the forfeiture of Thomas Chalmers to Sir Colin Campbell of Glenorchy ('the Black Knight of Glenorchy) for his part in apprehending the murderers.

His successor, the first Laird, John Campbell was killed at the battle of Flodden in 1513; the fate of the second Laird, James, was less heroic: he died at Perth in 1561 having fallen down 'the stairs of an inn and broke all his bones'. The years after the creation of the Barony for the Campbells saw a process of relative decline.

Pont's map of *circa* 1595 shows 'west Lawers' and 'east Lawers', clustered to west and east of what is presumably the Lawers burn. Farquharson's map of 1769, together with his survey and report, is the most helpful and shows the buildings in place at that time, together with the land usage. This map, as also Roy's, shows what may be two parallel tree-lined walks running east and west in the Field.

In the nineteenth century Milton of Lawers moved from the lochside to the county road. The Ordnance Survey of 1867 shows the place name 'Milton' at the western end where the church and Laird's house lie. It shows the Field as bounded by the existing Track on one side and by a boundary – which no longer exists – parallel to it and close to the lochside.

Documentary evidence of the move from the lochside to the county road consists of the Parochial Board Minutes, which begin in 1868, the Census in 1841 and those of the Valuation Rolls which are detailed enough and which start in 1857. Formerly the terms 'Lawers', 'Milton of Lawers' and 'Milton' are applied at different times to represent both the same and different settlement groups, but by the nineteenth century 'Milton of Lawers' begins to be used for those buildings by the public road.

The Laird, who was responsible for various administrative transactions, moved from Milton of Lawers to Comrie at the end of the seventeenth century. In the eighteenth century new roads on the north and south of Loch Tay were created, the former bypassing the road which formed the axis for Milton of Lawers. By the 1840s the old mill was abandoned and a new one built near to the public road bridge. A new Kirk was built near the public road in 1833 and the old Kirk used only as a farm building until the 1930s, when it fell out of all use. The 1841 Census shows that there were three houses at the lochside and possibly seventeen people lived in them. By the 1851 Census there were only eleven people at the lochside. The mill had been abandoned. By 1861 there were only ten people on the lochside and by 1891 seven. All of them, however, were in the Piermaster's house which was possibly not within the area owned by the applicants. It too was finally abandoned in 1926.

3.2 The buildings in the western SAM.

The number of buildings is fewer than in the eastern, but two of the buildings at least are substantial. The House of Lawers (the Laird's house) with its annexed byre and stable is said to stand on the site of an earlier house, burned down by Montrose in 1645 and rebuilt shortly afterwards. The centre compartment of the existing ruin, possibly a small tower, is probably the remains of the old house. The new house consisted of two floors and a slate covered roof. The house is interesting as having been the home of the Lady of Lawers. The Lady of Lawers was the last occupant of the House of Lawers. She is traditionally said to have been a Stewart of Appin. She is remembered for her various prophecies, a number of which arguably can be said to have come true. 'Fire-coaches' crossing the Drumochter Pass are held to have predicted the coming of the steam railway. She is said to have planted an ash tree at the north end of the church and said that when it grew to the height of the little spire the church would fall. The church was so much damaged in a thunder storm in which the ash tree perished that the church was never used again. She predicted that the cope stone would never be put on the roof and it never was, as it and other stones brought for the building of the church were swept out into the loch in a storm. 'A ship driven by smoke will sink in Loch Tay with great loss of life'. 'A mill will be on every streamlet; a plough in every boy's hand; the two sides of Loch Tay in kale gardens; the sheep's skull will make the plough useless and the goose's feathers drive their memories from men'. The SAMs are, perhaps unsurprisingly, said to be haunted to this day by a female, presumably the Lady.

The other significant building in the western SAM is **Lawers Kirk**. It dates from 1669 and stands adjacent to the site of an earlier structure. It has been

suggested, but it is probably not the case, that there was an earlier church. The Ministers of Kenmore appear to have conducted the services at Lawers personally. By 1754 the church was roofless and the Reverend Mr John Douglas of Kenmore held services every five, six or seven weeks in the open air when the weather permitted. He had tried to restrain his parishioners from joining in the 1745 Jacobite rising, although he may not have had much difficulty: the local community seems to have been reluctant to join in the conflict. It is not clear why the church had been allowed to deteriorate into a roofless state in just eighty-five years.

In the eastern SAM there is a **mill and kiln**. It seems likely that the mill was built or a building converted to use as a mill after 1769. Like the church, it did not last for very long and was no longer functioning as a mill by the middle of the nineteenth century. The mill lade can't be seen. The wheel appears to have been overshot. In the eastern SAM there is a second probable mill. It was eventually replaced by the mill already referred to, although both may have been in operation simultaneously for a time. Mills function for different purposes, for example thrashing and grinding of corn or the production of linen. After use as a mill this building was probably used as a bakery.

In addition to these substantial buildings there are a number of further **houses, barns, enclosures** and so forth. Although the buildings in the eastern SAM are individually less impressive than those in the western SAM, the ensemble of the eastern section is (or at least would be if the vegetation were reduced) powerfully evocative of an early modern settlement on the banks of the loch and the edge of the stream which powered the mill. It is easy to imagine the life of the little community, the peat smoke rising from the fires.

3.3 Track.

The Track is three meters wide, in terrace form, parallel to the loch. It is flanked by one meter high dry stone walling, forming a revetment at the western end against the higher elevation of the ground to the north and at the eastern end a revetment to the Track itself where the ground drops down to the lochside. The surface is not cobbled or paved, except where the mill-lade crosses under it at the mill. The Track is reached by an unmetalled road leading from the county road to the lochside. It branches at the House of Lawers, one branch going west to reach the jetty (which is outside the ground owned by the applicants) and the other joining the Track. The road was built under Statute Control in 1838. It was removed from the List of Highways in 1880 but was returned to the List in 1896.

3.4 Agriculture.

Farquharson's Survey records Milton of Lawers as having approximately seven hectares of infield and eleven of outfield. The Field is therefore only a very small part of Farquharson's infield which extended from the lochside to a point about half way between the loch and the county road. Pretty well all of Farquharson's infield remains as improved grassland.

Before the agricultural organisation of the 1770s, most land in Breadalbane was held by tenants on a year to year basis. Changes and improvements followed Farquharson's Survey. Long leases were introduced and the runrig system abandoned. Tenants had on average six and a half acres of infield and a smaller acreage of outfield but with an additional area of meadow or grass. In the late eighteenth century the open and unfenced runrig land and small plots of flax were replaced by rectangular fields enclosed by walls and ditches. Crops consisted of oats, bere, beans, peas, potatoes and flax. In the nineteenth century turnips were added. The old Scotch Plough, pulled by twelve animals with four men in attendance, was replaced by the lighter, metal Small's plough. Farquharson's plan shows that arable areas extended from the lochside up the hillside about a kilometre.

Pont's map of *circa* 1595 shows woodland including pine around Lawers, but there was a steady process of deforestation. The fuel used for domestic purposes was peat which was obtained high on the hill and brought down to the village on peat tracks carried by horses in baskets or on horse-drawn sledges. Coal was imported into Breadalbane by the end of the eighteenth century.

Highland horses were used for ploughing and carting. Highland cattle were used mainly for breeding and small flocks of native sheep were kept by each household. The breed had been almost totally replaced by new breeds, such as Southdown Sheep, by the end of the eighteenth century, and Ayrshire cattle began to make an appearance in the parish in the latter half of the nineteenth century. The development of sheep farming was slow to come to Breadalbane, but the second Marquis of Breadalbane embraced it enthusiastically. R Alister wrote to him in 1853, accusing him of evicting 500 families, or about 2,500 people in the years since 1834: 'I believe that your Lordship has done more to exterminate the Scottish peasantry than any man now living'. He complains that in a previous war 1,600 men were raised from Breadalbane, but that in 1853 barely 150 could be raised for the Crimean War.

The concurrence of efficient farming methods and the development of sheep farming meant that fewer people were required to work the land. Transhumance disappeared and cattle were enclosed. There was no need for herders. The land above the arable line changed as the mountains and hills were denuded of natural regeneration. Agricultural change combined with the change in the rural industries to contribute to the decline of communities such as Milton of Lawers. Mechanised spinning wheels and power-loom weaving technology, for instance, contributed to the decline of what had been the most important rural industry in Scotland – the rural linen industry. By 1845 there is no mention of flax growing or mills in the parish of Kenmore.

3.5 Present Appearance of Milton of Lawers.

The Scheduling of the Ancient Monument has afforded a valuable degree of protection to the ruined buildings, but natural decay has been significant. Comparison of the site today with its condition in a television film made *circa* 1985 shows most significant arboreal growth, which has made the buildings

invisible to anyone who is not going out of their way to look for them and has led to collapse of parts of the ruins. Saplings have not been removed and have grown into trees which have forced the stones apart. Wall-heads are unprotected and vulnerable to erosion from weather and attacked by vegetation. Lack of interest in the site by its previous proprietors have encouraged its use by very large numbers of campers who leave quantities of unseemly litter and may not treat the sites with the respect they deserve.

Similarly the previous proprietors' lack of interest in the property meant that cattle have been allowed to graze in two sites and over the Field, 'poaching' the ground badly in places.

4. *Conclusion*

The applicants' aim is to build a modest dwelling house on the Field, without reducing the appeal of the interest of the SAM and without compromising the evident function of the Field as part of the infield of the community. It is submitted that this is achievable and is in fact consistent with the nature of a settlement which itself in its time was organic and developing.

So far as the location of the building is concerned, it would not be placed centrally in the Field, but at one end or other, obtruding as little as possible and representing an organic development of one or other of the SAM. It would sit in its landscape, with no garden ground and no freestanding garage. It would be broadly rectilinear in shape and, while not a pastiche of seventeenth century design, would not be aggressively modernistic. It should emphasise the use of natural materials such as stone and timber, and any modern building materials should be covered with a render. A careful balance of void and fenestration will be required. While the Track, which is not listed, will be used for access, it will be sealed and covered with stone chips or a similar traditional material.

It may be relevant, although it does not technically form part of this application, to know that it is the applicants' intention, should consent be granted, to associate the erection of the dwelling house with management of the SAM in accordance with the supervision and the advice which has already been obtained from Historic Scotland. The applicants are concerned by the decline in the condition of the buildings that are contained within the SAM and would seek to arrest that by agreed conservation measures. They would also wish to make the ancient buildings more evident. At the moment their existence is scarcely known, even to local residents. It is desirable that the buildings should be visited by interested parties who can learn from them much about the evolution of rural Scottish society. The result of combining these conservation measures with the construction and occupation of a new house should be to preserve the scheduled buildings and to ensure controlled and responsible access to them.

Date: 30th May 2012
Our ref: 835/ PL/SCJ
Your ref: 12/00628/IPL

RECEIVED
31 MAY 2012



Perth & Kinross Council
Department of Planning and Transportation,
Pullar House,
35 Kinnoull Street,
Perth,
PH1 5GD

For the attention of Christine Brien

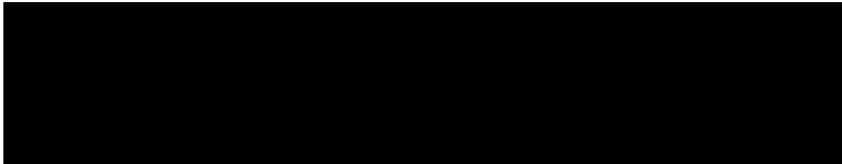
Dear Ms Brien,

**APPLICATION FOR PLANNING in PRINCIPLE
PROPOSED DWELLING HOUSE AT OLD LAWERS VILLAGE, LAWERS, PERTSHIRE
For Mr & Mrs Reid**

In respect of our submission for Planning in Principle for the above project and communication by e-mail from our Robert Johnston, please find enclosed a copy of our Clients (the Applicant) letter in response to the various objections raised for your further consideration

We trust you find the enclosure in order and look forward to hearing from you in due course with regards to our Clients application

Yours sincerely,



Siobhan Johnston
Architect
For and on behalf of McKenzie Strickland Associates

Enc

File

Aberfeldy
23 Bank Street, Aberfeldy,
Perthshire PH152BB
t:01887 829228

Crieff
21, High Street, Crieff,
Perthshire PH8 9AA
t:01794 821111

29th May 2012

Perth & Kinross Council
Department of Planning & Transportation
Pullar House
35 Kinnoull Street
PERTH PH1 5GD

Dear Sirs

Application for Planning in Principle
Proposed Dwelling House at Old Lawers Village, Lawers, Perthshire
Reference: 12/00628/IPL

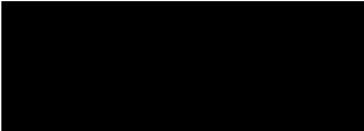
My wife and I are the applicants in connection with this application, lodged on our behalf by Messrs McKenzie Strickland, Associates, Chartered Architects, Aberfeldy.

I have now had an opportunity of considering the objection comments lodged and shown on Perth & Kinross Council website up to and including 18th May 2012, and I should like to respond.

Before dealing with the comments individually and in detail, I think it might be helpful if I made a more general reply.

The grounds for the objections are almost entirely based on the argument that approval of the application would compromise the very special historical associations and character of the site, given the proximity of the proposed dwelling house to the component parts of the Old Village of Lawers, and would endanger its history, its ruins, its tradition. I do believe that the objectors should be reassured that their fears are misplaced, and that granting this application would be the best way of securing the character of this important part of Perthshire history for the present and for future generations. There are both personal and objective reasons for that view.

First of all, the very reason that my wife and I acquired this land on the bank of Loch Tay is because of its history and our desire to preserve that history. If we had simply wanted to build a house with an attractive view, there are many other places we could have bought and where we could have gone ahead with far less complications. I am an Historian. I am a Fellow of the Society of Antiquaries of Scotland, and have been for over 40 years. I have been a member of the Architectural Heritage Society of Scotland for almost as long. I am passionately interested in the history and topography of Scotland. I have climbed all Scotland's Munros, walked great distances, and sailed to parts that can't be reached by land. I am interested in the



vernacular architecture of Scotland. I have long been aware of the history of the Old Village of Lawers and the traditions regarding the Lady of Lawers. When this property, including most of the village, was brought to my attention, I was horrified to find how badly decayed the ruins are. Although the whole property is the subject of an agreement with the National Trust of Scotland, and although the separate parts of the old village are scheduled as Ancient Monuments and thus subject to the control of Historic Scotland, the effect of the uncontrolled growth of scrub and saplings has meant the buildings have in recent years rapidly fallen down and become overgrown. I accept that the objectors are well informed about the existence of the village and its importance, but I venture to suggest that a high proportion of even local people are quite unaware of the village's existence.

If reference is made to a television programme made by the late Tom Weir in the 'Weir's Way' series some 30 years ago, which is to be seen on YouTube, it will be seen just how far and how fast the ruins have deteriorated. If nothing is done they will soon disappear not only from memory, but from sight.

I would respectfully direct your attention to the details of the application, which I shall not burden you with by repeating. I would also refer to the Historical Annex which I myself wrote. I was gratified that the Chairman of the Breadalbane Heritage Society was good enough to describe it as 'admirable'. I hope that it is clear that I am entirely sympathetic to the concerns of those who object in this way and it is equally clear that my efforts will be devoted to safeguarding the ruins, to which I am as devoted as they are.

Separately from my personal point of view, and therefore more importantly, there are also objective reasons for reassurance. In the first place, the whole area owned by my wife and myself is, as I have indicated, subject to an agreement with the National Trust for Scotland, which means that nothing can be done by way of any kind of development without their consent. I have already been in touch with the National Trust for Scotland and a meeting is being arranged. But the objectors, and the Planning Authority, can be assured that regardless of the outcome of the planning application, the agreement with the National Trust requires that they agree to any proposals that I have.

Secondly, the component parts of the village are scheduled as Ancient Monuments. We have had discussions with Historic Scotland, who have statutory responsibility for Scheduled Ancient Monuments and have had a site visit with them. I wish therefore to emphasise the importance of the fact that they have written to you, **formally confirming that they do *not* object to the application.** This I think is the strongest possible reassurance to those who have concerns, concerns which I entirely understand.

The objectors may be unaware that even if planning permission in principle is granted, the legal rights of the National Trust for Scotland and of Historic Scotland remain in full force and unaffected. Whatever the planning position, nothing can be done that would compromise the historical or environmental character of the site as long as the National Trust for Scotland agreement is in place and the ruins remain scheduled.



If the application is approved, we shall work with Historic Scotland and the National Trust. What we do will be entirely dependent on their technical advice, but it is envisaged at this stage that saplings and other scrub which is presently tending to break up the ruins would be removed. Open masonry walls would be secured against the elements, probably with turf. Historic Scotland will advise on whether or not mortar should be used in any cases to stabilise the ruins. With their advice, tree surgery would be carried out to avoid further damage to the ruins from falling trees and branches. I should like, if they are agreeable, to install some discreet interpretation panels so that visitors are aware of the existence of the site and can understand it. I appreciate that knowledgeable specialists, such as make up many of the objectors, are aware of the existence of the site and can interpret it, but the majority of visitors to the area do not have those advantages. Improved access would make the site more accessible, and occupancy of a dwelling house would ensure that the presently uncontrolled camping which takes place on the loch side, resulting in the depositing of litter amongst the Ancient Monuments can be monitored.

I should like now to deal briefly with the different objections, taking them in the order that they appear on the website, and referring to them by the names in brackets shown on the website.

1. Architectural Heritage Society of Scotland

As I have said, I have been a member of this Society for some 30 years and I value much of its work. It has to be said, however, that its policy on planning applications is to object on a fairly indiscriminate basis. I note that in this particular instance the objection is also of a very general nature and I do not think that I need add to what I have said above.

2. Hooper

This objection, by the Chairman of Breadalbane Heritage Society, is good enough to refer to my Historical Appendix as an admirable summary. It also indicates appreciation of our desire to maintain the site in good order and it makes favourable reference to the architects' design proposals. I appreciate the well expressed reservations that Mr Hooper voices, but I hope that I have said enough above to provide reassurance.

3. McEwen

I think that my earlier comments deal with this objection.

4. Browne

This brief objection does not really take account of the detail of the application.

5. McDiarmid

This objection, by a resident of Toronto, is chiefly concerned with protection of the ruins and the graveyard. I do not think I need to add anything about the

ruins, but I should mention that the graveyard is not within our ownership and that the present application has no bearing on the graveyard. It is not readily accessible from the land owned by us, being separated by the burn.

6. McDiarmid

This object, by a resident of Windsor, Nova Scotia, is largely on the same basis as the previous one and I refer to my comments in that connection.

7. Glen Lyon and Loch Tay Community Council

This is a detailed and well argued comment. I think, however, that I have dealt with the points above. For the avoidance of doubt, I would confirm that the access to the pier is still a public access. The Stopping Up Proposal to which the comment refers was objected to and Perth and Kinross Council have confirmed that the Stopping Up Proposal did *not* come into effect. It is not disputed that the access road is in poor condition, but it would no doubt be a condition of granting of consent that it be brought into suitable condition and the technical details of that are already discussed and referred to by Historic Scotland, who are satisfied that the access would be sympathetic to the site. Other concerns expressed in this objection should be allayed by the ongoing role of (a) Historic Scotland and (b) The National Trust for Scotland.

8. McDiarmid

I think that my earlier observations cover this comment.

9. Martin

I refer to my earlier comments particularly those relating to the graveyard.

10. MacGregor

I think that I have already said enough to provide reassurance in respect of the broad concerns expressed.

11. Campbell

I have nothing to add in response to this very general comment.

12. The Breadalbane Heritage Society

I do not think I need add anything, except to say that while specialist bodies such as the Breadalbane Heritage Society are obviously aware of the site, our proposals will protect and preserve the site for a larger public and for the future.



13. MacGregor

I have no further comments in respect of this objection.

14. McDiarmid

I do not think I need add anything. This appears to be a duplicate of the letter from the resident of Windsor, Nova Scotia, number 8 above.

15. Hooper

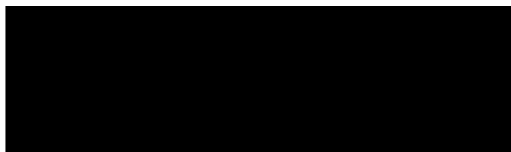
I think the concerns expressed here have already been commented on.

16. Brennan

This objection refers partly to the fact that the proposed development is in the 'in-field' between two segments of the village. I refer to the details of the application in this connection. The proposal is for a small construction within the in-field of the same organic type as took place in the past. The proposal does not compromise the integrity of the in-field or of the settlements.

I apologise for the length of this response, but I felt that it was fair equally to myself and to the objectors to give a detailed and argued reaction. I hope that it reassures you that the application can be supported.

Yours faithfully



WALTER REID

PERTH AND KINROSS COUNCIL

Mr And Mrs Reid
c/o McKenzie Strickland Associates
23 Bank Street
Aberfeldy
PH15 2BB

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21st November 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00628/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 3rd April 2012 for permission for **Erection of a dwellinghouse (in principle) Land 60 Metres North East Of Old Church Lawers** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Highland Area Local Plan 2000 Policy 2 which, amongst other criteria, requires all development to be compatible with its surroundings in land use terms and not to result in a significant loss of amenity to the local community. The proposal is not compatible with its surroundings in land use terms and does not have regard to the existing amenity and character of the area. The development would therefore have a significant detrimental effect on the amenity of the area.
2. The proposal is contrary to Highland Area Local Plan 2000 Policy 3: Landscape in that the proposal would not conserve existing landscape features and sense of local identity nor would it strengthen or enhance landscape character.
3. The proposal does not meet the terms of Highland Area Local Plan 2000 Policy 7: Flood Risk as the proposal would result in development within an identified flood plain area.
4. The proposal is contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of an established building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings, there is no operational need nor does the development reflect and respect the existing pattern of any settlement. The development does conflict with other policies in the Local Plan.

5. The proposal is contrary to Highland Area Local Plan 2000 Policy 28: Listed Buildings in that the proposed development would be detrimental to the essential character of the setting of the listed building.
6. The proposal is not in accordance with Highland Area Local Plan 2000 Policy 25: Archaeology in that the proposed development would not safeguard the setting and archaeological landscape of the associated scheduled monument.
7. The proposal does not accord with the requirements of Scottish Planning Policy 2010 (paragraph 113) in that the proposal would result in a development which would not be appropriate to the character and setting of the listed building.

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

12/00628/1

12/00628/2

12/00628/3

12/00628/4

12/00628/5

12/00628/6

12/00628/7

12/00628/8

12/00628/9

12/00628/10

12/00628/11

12/00628/12

12/00628/13



Mr W Reid
Beaully
BRIDGE OF WEIR
Renfrewshire
PA11 3DW

Chesterhill
Boarhills
St Andrews
Fife
KY16 8PP

Tel: 01334 880518
Mob: 07767 343237

Louise.Roger@scotland.gsi.gov.uk

Our ref:
Our Case ID: 201204545
Your ref:

22 November 2012

Dear Mr Reid

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

Further to my telephone call of 23 October, I am writing to confirm that I have now undertaken my site visit. My site observations and recommendations are enclosed below. Please note that the recommendations are enclosed for your information only. You are not obliged to carry out any of the works detailed.

INDEX No	Monument Name	Grid Ref
6280	Old Lawers Village, deserted settlement, Lawers Acres	NN682393

Site Observations:

The condition of this site continues to deteriorate due to the encroaching woodland.

There are many mature trees growing close to and within the buildings. Some of these have shed limbs onto the walls, and there are several windblown trees within the scheduled area. A large tree has recently blown over on the E side of the track in the central scheduled area.

There are also areas of scrub woodland, and in particular blackthorn to the SW of the church.



The NE gable of the church has fallen down since the last visit, with an enormous tree rooted in the SE corner. The W gable is still largely intact, to the bell cote. The 1669 date stone lies at the foot of the SW corner. A tree is rooted and growing at an angle out of the S wall of the church into the interior. The adjacent window is intact but missing many surrounding stones.

The E end of the Laird's house still stands to two storeys, with fine fireplaces topped with enormous lintels on the E gable wall. The N wall of this building is reduced to less than 1 m. There is much tumble to the E of this building, which may be associated with an earlier building.

The central scheduled area has two buildings intact to the gable at least at one end, being two storeys tall. Most of the walls are reduced to 1-1.5m, with trees growing in the interiors.

The buildings of the N area are very spread and it is difficult to make out their dimensions. There are several mature trees and smaller saplings within the area, which is grazed by sheep.

Cattle are grazing the site to the W of the burn, which on balance is beneficial in slowing the spread of the scrub woodland.

Recommendations:

This site would benefit from the removal of the mature trees and the control of the scrub woodland. This would allow a proper assessment of the condition of the masonry.

The extent of the scrub and trees in the scheduled area makes trying to improve the condition of the site a challenging task. However, priority should be given to the trees and scrub growing out of the wall heads, within the buildings and those very close by, particularly where their limbs cross the wall heads.

Please note that most works on scheduled monuments require the prior written permission of Scottish Ministers, a process known as scheduled monument consent (SMC). More information on SMC can be found on our website at www.historic-scotland.gov.uk/works-on-scheduled-monuments.pdf.

If you would like any further information or advice please do not hesitate to contact me.

Yours Sincerely

Louise Roger
Heritage Management Field Officer

2 of 2

PASTMAP

[CONTACTS | HELP](#)

Available Map Layers

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<input checked="" type="checkbox"/>		Listed Buildings	<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: magenta; margin-right: 5px;"></div> 1m Precision </div>
<input checked="" type="checkbox"/>		National Monuments Record of Scotland	<div style="display: flex; flex-direction: column; gap: 5px;"> <div style="display: flex; align-items: center;"><div style="width: 15px; height: 15px; background-color: cyan; border: 1px solid black; margin-right: 5px;"></div>10km Precision</div> <div style="display: flex; align-items: center;"><div style="width: 15px; height: 15px; background-color: cyan; border: 1px solid black; margin-right: 5px;"></div>1km Precision</div> <div style="display: flex; align-items: center;"><div style="width: 15px; height: 15px; background-color: blue; border: 1px solid black; margin-right: 5px;"></div>100m Precision</div> <div style="display: flex; align-items: center;"><div style="width: 15px; height: 15px; background-color: blue; border: 1px solid black; margin-right: 5px;"></div>10m Precision</div> <div style="display: flex; align-items: center;"><div style="width: 15px; height: 15px; background-color: darkblue; border: 1px solid black; margin-right: 5px;"></div>1m Precision</div> </div>
<input checked="" type="checkbox"/>		Scottish Sites and Monuments Records	<div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-image: linear-gradient(to right, green 48%, transparent 48%, transparent 52%, green 52%); background-size: 4px 4px; margin-right: 5px;"></div> > 1:25000 </div> <div style="display: flex; align-items: center;"> <div style="width: 15px; height: 15px; background-color: green; margin-right: 5px;"></div> > 1:250000 </div>
<input checked="" type="checkbox"/>		Gardens and Designed Landscapes	



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28 FEB 1996

No. 1766

FEE £25.00

THE ANCIENT MONUMENTS AND
ARCHAEOLOGICAL AREAS ACT 1979

Entry in the Schedule of Monuments

1995

Re: The Monument known as
Old Lawers Village, deserted settlement,
Lawers Acres

in the Parish of Kenmore and
County of Perth

[Handwritten signature]

Search Sheet No: 54450 and 15239

Solicitor
to the
Secretary of State
for Scotland
New St Andrew's House
Edinburgh

MFA04356

FAS 7333

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
ENTRY IN THE SCHEDULE OF MONUMENTS

The monument known as Old Lawers Village, deserted settlement, Lawers Acres comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and likely to contain buried archaeology dating to earlier periods. The area to be scheduled is divided into three parts encompassing the visible remains and other areas in which significant associated deposits are likely to survive. The areas are irregular in shape with maximum dimensions of 70m WNW-ESE by 25m (N area), 78m WNW by 68m (middle area) and 114m NNE-SSW by 100m (S area). The monument, which lies in the Parish of Kenmore and the County of Perth as shown outlined in red on the Plan annexed and executed as relative hereto and

included in the Schedule of Monuments appearing to the Secretary of State for Scotland to be of national importance compiled and maintained by him under section 1(1) of the Ancient Monuments and Archaeological Areas Act 1979.

Given under the Seal of the Secretary of State for Scotland.

Assistant Secretary

Date 20 DECEMBER 1995

Historic Scotland
Longmore House
Salisbury Place
EDINBURGH
EH9 1SH

Register on behalf of the Secretary of State for Scotland in the Register of the County of Perth.

Solicitor, Edinburgh, Agent

MFA04456

PH 96

118

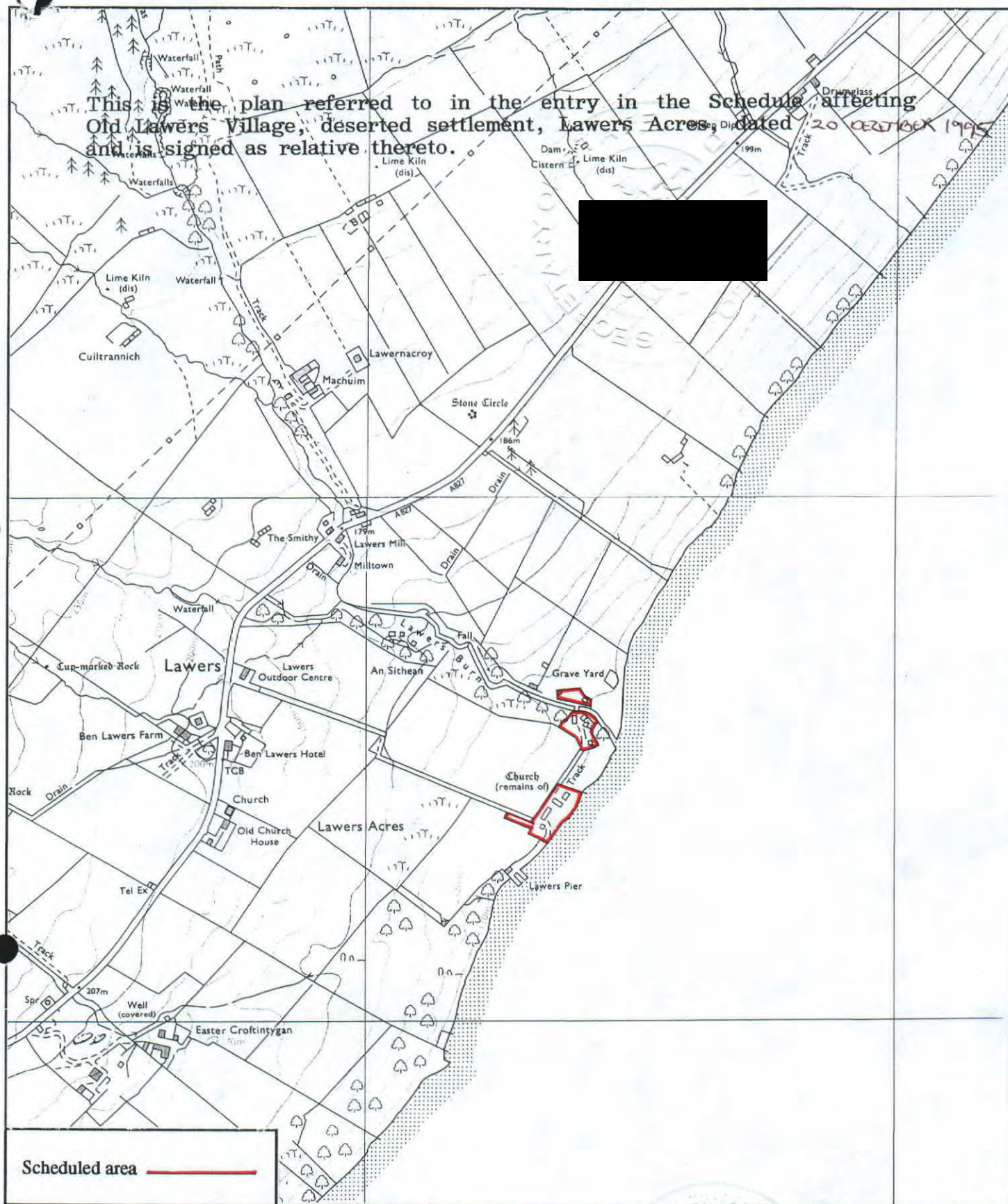
REGISTERS OF SCOTLAND
GENERAL REGISTER OF SASINES
COUNTY OF PERTH
FICHE 116 FRAME 32
PRESENTED & RECORDED ON

136

28 FEB 1996

32

This is the plan referred to in the entry in the Schedule affecting
 Old Lawers Village, deserted settlement, Lawers Acres, dated 20 October 1995
 and is signed as relative thereto.



Scheduled area ———

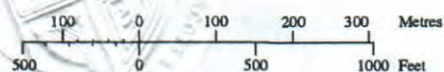
**Old Lawers Village,
 deserted settlement, Lawers Acres**

Kenmore Parish



Sheet: NN63NE

Scale 1:10,000



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HISTORIC SCOTLAND**KENMORE PARISH****PERTH AND KINROSS COUNCIL****STATUTORY LIST**

Information Supplementary to the Statutory List
(This information has no legal significance)

HB Number 12108

Item Number: 52 -

**OLD CHURCH,
LAWERS.**

Group with Items:

Map sheet:

Category: B

Group Category:

Date of Listing 05-OCT-1971

Description:

T-plan ruin, dated 1669 on lintel of doorway. Rubble-built with moulded window openings; has had galleries at all 3 gables.

References:

Gillies (il)

Notes:

© **Crown copyright, Historic Scotland.** All rights reserved. Mapping information derived from Ordnance Survey digital mapping products under Licence No. 100017509 **2013**. Data extracted from Scottish Ministers' Statutory List on **22 January 2013**. Listing applies equally to the whole building or structure at the address set out in bold at the top of the list entry. This includes both the exterior and the interior, whether or not they are mentioned in the 'Information Supplementary to the Statutory List'. Listed building consent is required for all internal and external works affecting the character of the building. The local planning authority is responsible for determining where listed building consent will be required and can also advise on issues of extent or "curtilage" of the listing, which may cover items remote from the main subject of the listing such as boundary walls, gates, gatepiers, ancillary buildings etc. or interior fixtures. All enquiries relating to proposed works to a listed building or its setting should be addressed to the local planning authority in the first instance. All other enquiries should be addressed to: Listing & Designed Landscapes Team, Historic Scotland, Room G.51, Longmore House, Salisbury Place, EDINBURGH, EH9 1SH. Tel: +44 (0)131 668 8701 / 8705. Fax: +44 (0)131 668 8765. e-mail: hs.listing@scotland.gsi.gov.uk. Web: www.historic-scotland.gov.uk.

Lawers Acres, Old Lawers Village

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Site Type TOWNSHIP

Canmore ID 91848

Site Number NN63NE 42

NGR NN 684 395

Council PERTH AND KINROSS

Parish KENMORE (PERTH AND KINROSS)

Former Region TAYSIDE

Former District PERTH AND KINROSS

Former County PERTSHIRE

Canmore Mapping

[View this site on a map](#)

Collection Items

Online

[Digital images](#) 2

Search Room

[Photographs](#) 8

Public Contributions

[Add some text](#)

[Add a photo](#)



Archaeological Notes

[NN63NE 42](#) centred 684 395.

NN 681 397 (centred) As part of an ongoing study of archaeological remains in glen Lochay and Loch Tayside by the Association of Certificated Field Archaeologists (ACFA), a survey of Milton of Lawers was carried out in October 1995. The site was drawn up at a scale of 1:1000 and individual features at 1:100 and 1:50. The remains recorded include: The Laird's House, Lawers Church (constructed 1669), two mills, nine other buildings, a corn-drying kiln, mill-lade, bridge, pier, a number of enclosures and a possible ice-house. The nearby graveyard was also surveyed and an inventory of grave inscription made. D MacInnes 1995.

The remains of a deserted village represented by a series of well-preserved stone buildings of 17th-century and later date, and likely to contain buried archaeology dating to earlier periods. Information from Historic Scotland, February 1996.

NN 68 39. In March 1996 Glasgow University Archaeology Department undertook the first season of the Ben Lawers Survey Programme on the N shore of Loch Tay. The work was designed as a survey teaching programme for students from the Archaeology Department and included both standing building and topographic survey, as well as archaeological assessment.

Survey concentrated on the laird's house, the church and the old village of Lawers. Substantial reuse of architectural dressed margins within the fabric of the laird's house and mill was identified. The mill clearly lies on a different alignment to its position as featured in Farquharson's 1769 plan of the area. The possible positions of two of the structures identified on Farquharson's plan were also located to the E of the current mill. The dressed margins clearly reflect reuse of fragments of an earlier church or laird's house, and large-scale reordering of the landscape around the village site must have been undertaken between the late 18th and early 19th centuries.

Sponsors: Hunter Marshall Trust, Glasgow University Archaeology Department.
A Morrison and J A Atkinson 1996

The pilot season of the Ben Lawers Historic Landscape Project was undertaken in July 1996 on the N side of Loch Tay.

Milton of Lawers

NN 68 39 Excavation of three trenches aimed at characterising deposits to the N of the church and within the old village of Lawers. Trench 1 (NN 683 394) revealed two phases of cobbling and an associated wall base, overlying a deep deposit of repositied material from which copper slag was recovered. It was unclear whether or not the walling represented a building or was related to the boundary of the church, though the latter interpretation is perhaps more likely. Trench 2 was targeted on a structure shown on Farquharson's 1769 plan (NN 684 395). No evidence of a structure was found, though the mill tailrace was located. Trench 3 was also targeted on a building represented on Farquharson's plan (NN 684 395), though once again no evidence for such was identified. It is likely that large-scale reordering of the village during the late 18th and early 19th centuries has removed all archaeological traces of the earlier village site.

A full report will be lodged with the NMRS.

Sponsors: National Trust for Scotland, Historic Scotland, Society of Antiquaries of Scotland, Russell Trust.

A Morrison and J A Atkinson 1996

Books and References

MacInnes, D (1995b) 'Milton of Lawers (Kenmore parish), township', *Discovery Excav Scot*
Page(s): 100

Morrison and Atkinson, A and J A (1996a) 'Ben Lawers survey programme (Kenmore parish), medieval or later rural settlements', *Discovery Excav Scot*
Page(s): 84-85

Morrison and Atkinson, A and J A (1996b) 'Ben Lawers Historic Landscape Project (Kenmore parish), medieval or later rural settlements', *Discovery Excav Scot*
Page(s): 85

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Charity SC026749



Sent by e-mail

Ms Christine Brien
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: AMH6280/10
Our Case ID: 201200544
Your ref: 12/00628/IPL

03 May 2012

Dear Ms Brien

Town And Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Erection Of A Dwellinghouse, Land 60m North East Of Old Church, Lawers

Thank you for your consultation of 20 April 2012 requesting comments on the above application for the erection of a dwellinghouse at Old Lawers Village on land 60m NE of Old Church, Lawers, near Killin. We note that this application is for planning permission in principle.

The proposed development site shares its northern and southern boundaries with the deserted village of Old Lawers, which is recognised as being of national importance and designated as a scheduled monument under the Ancient Monuments and Archaeological Area Act 1979, where it is known as **'SM 6280 Old Lawers Village, deserted settlement, Lawers Acres'**.

Old Lawers Village comprises the remains of a deserted village represented by a series of well-preserved stone buildings of 17th-century and later date. These buildings include the House of Lawers (built over the remains of an earlier house in 1645), the former Lawers church (1669) and two mills. Other, less well preserved buildings of more modest construction are also visible. It is likely that the remains of even earlier buildings will be present under and around the upstanding remains.

The scheduled monument is in three parts; the southern contains the House of Lawers and the Old Lawers Church, and is separated by a defined 'infield' from the central and northern parts which contain mills and lesser status buildings that cluster around the Lawers Burn. An important element of the setting of the monument is its lack of modern development; the morphology and development history of the village are capable of being understood, as is the undeveloped 'infield' between the southern and central parts of the village.



The proposed development site comprises the 'infield' between the southern and central parts of the scheduled monument, as well as a strip of land covering the access track to the site that runs through the southern part of the scheduled area. It is likely that any modern development within the 'infield' will have an impact upon the setting of the scheduled monument, as it introduces a built structure into an area of ground that had deliberately been kept undeveloped. However, we feel that the proposed location and scale of the dwellinghouse is such that it will still allow the 'infield' to remain capable of being understood, especially if formal garden ground and detached ancillary buildings are not proposed. We recognise that the morphology of Old Lawers Village has been taken into account when considering the size and orientation of the proposed dwellinghouse. Given the above, Historic Scotland has does not object to this application.

However, you should be aware that any works within the scheduled area require the prior written consent of Scottish Ministers, a process known as scheduled monument consent (SMC). This process is separate to any planning consents and one is without prejudice to the other. The upgrading of the access track where it runs through the scheduled area will require SMC, and the principle of this is something we have discussed with the applicant. Any new services needed as a result of this planning application should be routed so as to avoid the scheduled area.

In addition, given the proximity of the proposed dwellinghouse to the scheduled monument and also the direct impact of upgrading works to the access track, we will likely wish to comment further on any reserved matters application that may be forthcoming in due course.

Please note that our comments relate only to scheduled monuments. For comments on unscheduled archaeology you should contact the local authority archaeologist (David Strachan, Perth and Kinross Heritage Trust, The Lodge, 4 York Place, Perth, PH2 8EP – DLStrachan@pkc.gov.uk).

Yours sincerely,

OLIVER LEWIS

Senior HM Officer (Ancient Monuments - North)

Memorandum

To Christine Brien
Planning Officer

From Richard Welch, Conservation
Officer, Business and Community
Projects (Conservation) Section

Your ref 12/00628/IPL

Our ref

Date 31 May 2012

Tel No 76598

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Erection of a dwelling-house (in principle): land 60 metres north-east of Old Church, Lawers (12/00628/IPL) **Conservation Officer comments**

This site shares its northern and southern boundaries with the Old Village of Lawers, which is a scheduled monument and of national importance. The scheduled monument consists of three parts. The southern part contains the Old Lawers Church, which is also a category B listed building. The proposed development site is an “infield” situated between the southern and central parts of the scheduled monument. Historically the infield was not developed.

The development site is clearly visible from the Old Lawers Church and thus will have an impact on the setting of the listed building. The development will also have an impact on the setting of the scheduled monument as it introduces a building into a field which historically was always kept undeveloped. This field is an integral part of the original morphology of the village and it is important to preserve the “sense of place” which defines the setting of an historic asset. The reading of the historical layout of the area should not be diluted.

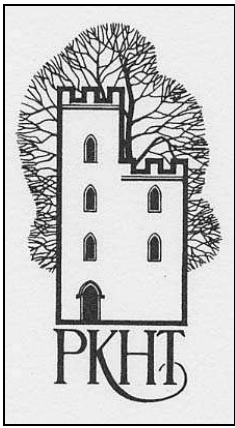
The architectural supporting statement indicates that the dwelling-house design would be a traditional “but and ben” or “blackhouse” styling, but would be “translated into 21st Century internal spatial flexibility and modern day construction techniques”. It is also suggested that the new dwelling will probably be one and a half storey in height. A one and a half storey house built to modern standards would be significantly higher than a traditional but and ben or blackhouse.

Under “site, setting and context” the statement suggests that “little or no formal landscaping or ancillary accommodation buildings, such as sheds or detached garaging could be provided which would affect the context of the adjacent ruins and could visually impact the sites in a negative manner”. However, the laying out of a formal garden area would not necessarily come under planning control.

Despite the design and mitigation measures suggested in the supporting statement I have serious concerns about the visual impact of a dwelling-house in this location. As well as the impact of the dwelling-house itself there would also be additional visual impact resulting from any terracing or excavation on this sloping site, the access road and driveway, services and any formal landscaping or garden layout.

There is also the impact on the historical character of the area. The affect of the development on the qualities of the existing setting of the old village, namely the evocation of the historical past and sense of place, would in my view be irreparably damaged. Consequently the Business and Community Projects (Conservation) Section objects to this proposed development.

Richard Welch
Conservation Officer
Business and Community Projects



Memorandum

To: Christine Brien, TES.

From: Sarah Malone, PKHT.

Date: 8 May 2012

Tel: 01738 477080

*Perth and Kinross Heritage Trust.
The Lodge, 4 York Place, Perth
PH2 8EP.*

12/00628/IPL: Erection of a dwellinghouse (in principle) at Land 60 Metres North East Of Old Church Lawers.

Thank you for consulting PKHT on the above application. I can confirm that the proposed developed site has archaeologically potential. Old Lawers Village is a nationally important archaeological site and as such is designated as a Scheduled Monument (6280). The monument comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and is likely to contain buried archaeology dating to earlier periods.

The above development is proposed to be located directly adjacent to Old Lawers Village. While the proposed development will impact on the setting of the deserted settlement, the proposed siting of the development and the presence of mature trees surrounding the site will lessen the impact of the development on the setting of Old Lawers Village.

Archaeological remains associated with Old Lawers Village may be disturbed by the proposed development. To ensure the recording of any archaeological deposits associated with Old Lawers Village it is recommended that an archaeological evaluation be carried out to determine whether any archaeological deposits survive and to assess their nature and extent prior to development. The results of this assessment can then be used to develop a strategy for preservation of any surviving remains, either *in situ* or by record.

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. It is recommended that the following archaeological condition is attached to consent, if granted

The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the planning authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Perth and Kinross Heritage Trust. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Perth and Kinross Heritage Trust in writing not less than 14 days before development commences.

Notes:

1. Should consent (incorporating the recommended condition) be given, it is important that the developer contact me a.s.a.p. I can then explain the level of work required and provide 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.
3. Historic Scotland may need to be consulted on the potential implications of the development on the settings of Scheduled Ancient Monuments, as required by Article 15 (1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 and recommended by PAN 2/2011.

Christine Brien

From: Nicki McIntyre [Nicki.McIntyre@snh.gov.uk]
Sent: 16 November 2012 16:09
To: Christine Brien
Subject: Planning application for a house Land 60m NE of Old Church Lawers - PKC Ref 12/00628/IPL

Hi Christine

Peter passed your query re: the above planning application to me. We have an arrangement with yourselves that if we have no comments to make on a consultation then we do not respond, therefore, as the deadline has passed you can take it that we don't have any comments to make in this instance. Although the land is within the boundary of the SAC this proposal will not have a likely significant effect on any of the protected features. I've not visited this site, but from aerial pictures I am not sure why the field is in the SAC boundary - its clearly had liberal quantities of fertiliser in the past to achieve that bright green colour! It maybe that the vegetation along the shoreline is good otter habitat, or alluvial woodland, which is a nationally rare habitat, however this development will not affect the shoreline, so its not a consideration.

Hope this is useful.

Regards

Nicki

Operations Officer
SNH
Tayside & Grampian
Battleby
Redgorton
Perth
PH1 3EW

01738 458591

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Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a-mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidshear-siostaim no neach-sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho SNH

Memorandum

To Christine Brien
Planning Officer

From Craig McQueen
Technician
Structures and Flooding Team

Your ref 12/00628/IPL

Our ref 6.9.10/300 Old Church Lawers

Date 27/04/2012

Tel No 01738 477219

The Environment Service

The Atrium, 137 Glover Street, Perth, PH2 0HY

RE: Erection of a dwellinghouse (in principle) | Land 60 Metres North East Of Old Church Lawers

Thank you for your consultation in relation to the above planning Application that I received on the 19th of April 2012

I can confirm that the Flood Prevention Authority **objects** to this planning application for the reasons given below:

- (1) SPP states in paragraph 202 that a precautionary approach should be used when considering flood risk for planning applications. There is currently insufficient evidence that the proposed development should not be considered as being in an area of 'medium to high risk' flood risk as indicated by the 1/200 year outline shown on SEPA's indicative River and Coastal Flood Map (Scotland), and therefore we object.

An FRA will need to be carried out to consider flood risk from both Loch Tay and the Lawers Burn System to determine the 0.5% AP (200-year) + climate change allowance flood extents, and their potential impacts on the proposed property.

If you have any queries regarding the above content please contact me on the above number.

Regards,

Craig McQueen
Technician (Flooding)

SCANNED

ENTERED IN COMPUTER

16 MAY 2012

Planning Application No: 12/00628/IPL
Location: Erection of a dwellinghouse (in principle) | Land 60 Metres North East Of Old Church Lawers

CM Notes

- (1) Site boundary adjacent to (possibly within) SEPA's 1 in 200 (0.5%) flood map (shown below).
- (2) No accounts of flooding on flood register for site. Not previously developed.
- (3) Mention of requirement for relining / replacing of field drainage culvert along access road due to poor condition. Access / Egress issues should be negligible with appropriately sized replacement.
- (4) Acknowledge requirement for surface water drainage up the slope from the site (SW Interceptor), no details provided.
- (5) Mention of provided guidance from engineer on finished floor levels and general arrangement of development – no details provided within this submission other than stating that the build should be sited above break of slope.
- (6) Statement within conclusion that there is no risk of flooding from the watercourse, loch or surface water has not been proven within submission.
- (7) Development will have no impact on any adjacent property.

Comments on Appendix 3 – Preliminary Statement on Flood Risk

Mentions distance of site from watercourse (not quantitative) and provides no relative levels levels.

Comments to Planner

Due to proximity to SEPA's 1 in 200 (0.5%) flood map outline a Flood Risk Assessment may be required to be provided with the planning application at the full planning stage. This will need to consider both potential flooding from the Lawers Burn System and Loch Tay. No sufficient comfort provided at this stage, and further information required.

Pass on guidance note and explain the FRA should cover up to 1/200 + 20% CC + 600mm freeboard.



SEPA River Flood Map (1 in 200)



MEMORANDUM

To	Christine Brien Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/00628/IPL	Date	15 May 2012

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

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

With reference to the application 12/00628/IPL for planning consent for:- **Erection of a dwellinghouse (in principle) Land 60 Metres North East Of Old Church Lawers for Mr And Mrs Reid**

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

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

I trust these comments are of assistance.

Memorandum

To	Nick Brian Development Quality Manager	From	Gillian Reeves Assistant Asset Management Officer
Your ref	12/00628/IPL	Our ref	
Date	24 April 2012	Tel No	(4) 76395

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 12/00628/IPL

This development falls within the Kenmore Primary School catchment area.

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

TCP/11/16(229)

Planning Application 12/00628/IPL – Erection of a dwellinghouse (in principle) on land 60 metres north east of Old Church Lawers

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 129-130)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 70-121)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/00628/IPL
Ward No	-

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 60 Metres North East Of Old Church Lawers

APPLICANT: Mr And Mrs Reid

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 25 May 2012



Approx house location

See other photos in file for wider context

OFFICERS REPORT:

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 Highland Area Local Plan 2000. The proposed Local Development Plan 2012 is a material consideration. The relevant policies are noted below.

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.

This in principle application is for the erection of a dwellinghouse within the 'infield' of Old Lawers village, located on the north western shore of Loch Tay, below the level of the public road with the site abutting the loch's shore. The site is defined to the north east and east by the loch, to the north west by the existing field boundary and overgrown track and to most of the remaining sides by the Scheduled Monument designation boundaries. There is no topographical definition of these though there is a stock fence to the southern limit. The area at the far north has an arbitrary boundary rather than being common with the SM boundary.

As mentioned, this site shares its northern and southern boundaries with the Old Village of Lawers, which is a Scheduled Monument and of national importance. The scheduled monument consists of three parts. The southern part contains the Old Lawers Church, which is also a category B listed building. The proposed development site is an "infield" situated between the southern and central parts of the scheduled monument. Historically the infield was not developed.

The principle

The principle of this development must be considered under the Housing in the Countryside Policy 2009. The aim of the policy is to 'safeguard the character of the countryside; support the viability of local communities, meet development needs in appropriate locations; and ensure high standards of siting and design are achieved'. Within the policy there are 6 categories within one of which the proposal must fall if it is to be considered positively. Categories 6: Rural Brownfield Land, 5: Conversion or Replacement of Redundant Non-Domestic Buildings and 4: Renovation or Replacement of Houses are not relevant in this instance. Category 2: Infill Sites supports the development of 1 or 2 houses within gaps between established houses. The proposal does not meet the necessary requirements (as there are no existing houses or equivalent) and therefore this category is not relevant. Category 3 relates to new houses in the open countryside and is sub-divided into other categories which have specific requirements. The proposal does not reflect the requirements of any of these sub-categories and therefore cannot be considered under this part of the policy. Category 1 relates to Building Groups and supports new houses within existing building groups or which extend established groups onto sites defined by 'existing topography or well established landscape features'. For clarification, this does not include stock fencing. There are no houses within the vicinity of the site. The two distinct groups of ruins sit one to the north, where the proposed site abuts, and one to the south at the opposite end of the in-field, within which the proposed house site lies. The policy clarifies that a building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage. There are no such structures within the vicinity. There are only ruins, some with partial walls, some without walls but piles of stones and none with roofs. These ruins cannot be classed as houses or equivalent. This is consistent with the approach taken by development management since the adoption of this policy in 2009. Therefore in terms of the Council's adopted Housing in the Countryside Policy 2009, the proposal does not fall within any of the categories. It therefore cannot be considered supportable in terms of the development plan.

The use of the site which sits enveloped by schedule monuments and a listed building for residential use will by its very nature significantly change the character of the area which is currently characterised by the abandoned feel the ruins of the old village have. To bring permanent residential occupation to the site would significantly

change the character of the wider area to its significant detriment. As mentioned elsewhere, it is difficult if not impossible to quantify the importance the atmosphere the site has or the emotions it evokes. Nonetheless, this is an aspect which has been shown to be of great importance to many locals and visitors as can be seen by the representations received. I consider this is part of the amenity of the site and its wider setting. I conclude that the proposal is contrary to policy 2.

Proposed Local Development Plan

Policy RD3 identifies 6 categories within which development may be considered acceptable. These categories are the same as in the current HitC policy 2009. The PDLP refers to supplementary guidance on this element. The current intention is that the HitC Policy 2009 will be that guidance until such time as it is revised (no programme is set for this). On this basis, the proposal would be contrary to the PLDP.

Layout

The proposed house site is located in the northern part of the infield, sitting immediately to the south of the ruins of the middle element of the scheduled monument. Although elevated above the lochside, the site sits at a level lower than the ruins to the north and the track to the northwest. Whilst any house would not be skylined, it would sit at the limit of the open field area and in front of the ruins which are interspersed with trees and shrubs. Although seen against a background, any house at this location would have a very significant impact when viewed from the approach beside the Old Church, etc. Whilst the site would significantly change the character and feel of the immediate area, it is possibly the least inappropriate location within the site when taking into account other factors such as flooding. This however does not mean the proposal is acceptable in policy terms. There remains a fundamental objection on those grounds.

Detailed proposal

As the application is made in principle there are no specific details to consider though some indication is provided in the supporting statement relative to siting, materials, access upgrade, landscaping, etc. The applicant has provided an indication of his intention for the detailed design of the house should planning in principle be granted, however no weight of consideration can or should be given to that at this in principle stage as plans could change prior to the submission of a detailed application. The important aspect here is to consider the principle of the proposed development at this stage. All other matters would be considered as part of the submission of reserved matters.

Flood Risk

Part of the site lies within the 1 in 200 year return flood area identified by SEPA. The Local Flood Prevention Authority (LFPA) has lodged an objection to the proposal on the grounds that there is insufficient information provided to assess the potential flood risk of the site. SPP states in paragraph 202 that a precautionary approach should be used when considering flood risk for planning applications. There is currently insufficient evidence that the proposed development should not be considered as being in an area of 'medium to high risk' flood risk as indicated by the 1/200 year outline shown on SEPA's indicative River and Coastal Flood Map (Scotland). It may be that if an FRA were to be submitted that this objection could be removed but at the moment it has not been shown that the proposed house would not be at risk of flooding and therefore the planning authority is required to take the precautionary principle and not support the application at this time. Supporting the proposal would be contrary to the advice given in SPP and to local plan policy.

Listed Buildings

As mentioned above, the old church is listed category B. Both national and local policies seek to protect not only listed buildings from inappropriate development, but also their settings. It is accepted within the policies that the setting of listed structures can be crucial to the interpretation of the protected building, provided the opportunity to more fully appreciate and 'read' the listed building in an appropriate historic context. It is accepted that the national policy contained in SHEP is not about preventing change, rather it is that change 'should be managed intelligently and with understanding to achieve the best outcome for the historic environment and for the people of Scotland'.

Despite the design and mitigation measures suggested in the supporting statement, the Council's conservation officer has serious concerns about the visual impact of a dwelling-house in this location. As well as the impact of the dwelling-house itself there would also be additional visual impact resulting from any terracing or excavation on this sloping site, the access road and driveway, services and any formal landscaping or garden layout. There is also the impact on the historical character of the area. The effect of the development on the qualities of the existing setting of the old village, namely the evocation of the historical past and sense of place, would in the conservation officer's view be irreparably damaged. This impact is not to be underestimated.

HALP policy 28 safeguards the setting of listed buildings. SPP para 113 states 'there is a presumption against...works that will adversely affect a listed building or its setting'. The proposal is considered to be contrary to these policies as it is held that the proposed development will detrimentally impact on the setting of the category B listed building which has the undeveloped infield as an integral part of its historical setting. I consider the proposed development would not safeguard the setting of the listed building and therefore conclude that the proposal is contrary to these policies.

Scheduled monument

The scheduled monument is in three parts; the southern contains the House of Lawers and the Old Lawers Church (Cat B), and is separated by a defined 'infield' from the central and northern parts which contain mills and lesser status buildings that cluster around the Lawers Burn. Historic Scotland has confirmed that an important element of the setting of the monument is its lack of modern development; the morphology and development history of the village are capable of being understood, as is the undeveloped 'infield' between the southern and central parts of the village.

As noted above, the proposed development site comprises the 'infield' between the southern and central parts of the scheduled monument, as well as a strip of land covering the access track to the site that runs through the southern part of the scheduled area. Historic Scotland has advised that it is likely that any modern development within the 'infield' will have an impact upon the setting of the scheduled monument, as it introduces a built structure into an area of ground that had deliberately been kept undeveloped. However, HS feels that the proposed location and scale of the dwellinghouse is such that it will still allow the 'infield' to remain capable of being understood, especially if formal garden ground and detached ancillary buildings are not proposed.

Notwithstanding Historic Scotland's comments, I consider the proposed development would not safeguard the setting of the scheduled monument and therefore conclude that the proposal is contrary to policy HALP 25 as no reasons of overriding public interest exist. SPP confirms (in para 118) that the protection of the monument and its

setting are important considerations and that development which would have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances.

Archaeology

Old Lawers Village is a nationally important archaeological site and as such is designated as a Scheduled Monument (6280). The monument comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and is likely to contain buried archaeology dating to earlier periods. Archaeological remains associated with Old Lawers Village may be disturbed by the proposed development. To ensure the recording of any archaeological deposits associated with Old Lawers Village it is recommended that, if permission should be forthcoming, an archaeological evaluation be carried out to determine whether any archaeological deposits survive and to assess their nature and extent prior to development. The results of this assessment can then be used to develop a strategy for preservation of any surviving remains, either in situ or by record.

Special Area of Conservation

The site lies wholly within the River Tay SAC designation. SNH has advised that they have no concerns regarding the potential impact of the development on the designated SAC and therefore no appropriate assessment is required in this instance.

Sundry works

Whilst there may be an argument that a single house at the location shown may not impact on the character and setting of the listed building and scheduled monument (not one I agree with), the impact of the development of a house on this site would not stop at the erection of the house. Although permitted development rights could be removed thus preventing extensions being constructed, fences erected, outbuildings built, etc without further permission first having to be sought, there are many works which do not constitute development and therefore cannot be controlled by the planning authority, for example, the formation of flower beds, vegetable plots, planting of trees, shrubs, garden lighting, children's play equipment, etc. All these could have a very significant impact on the character of the area and the setting of the listed building and scheduled monuments. It may well be that the current applicant would not intend this type of 'non-development' but his view may change in the future and any subsequent owner/occupier may have a different opinion/approach. The only way to ensure that any of these inappropriate works are not carried out is to not grant planning permission for the dwellinghouse in the first place. It is worth recalling that HS felt that the 'infield' could still be understood especially if the formal garden ground and detached ancillary buildings are not proposed. I am not sure that HS is fully aware of the lack of control that the planning authority has in respect of these 'non-development' elements.

Supporting statement

Within the applicant's supporting statement, the principles of the development are set out. They include: to maintain the amenity and conservation of the scheduled monument; to establish a landscape methodology which includes the removal of scrub in the area of the monuments; sensitive upgrading of the access and; design to be in keeping with current policy.

Many different aspects of the proposed development have evidently been considered though there is no section relating to development plan policies, national policies and other material considerations. There is no argument put forward to counter the

interpretation of the policies identified in the original pre-application response. There is no stated argument of overriding public need for the development to take place which would justify the setting aside of the adopted and established policies.

Education Contribution Policy

As the recommendation is for refusal this policy has no impact. If the application were to be approved there would need to be a condition requiring the subsequent application for matters reserved to meet the terms of the policy to ensure compliance.

Drainage

No public system is available. Foul drainage would need to be to a private drainage system with a discharge to soakaway. This raises concerns regarding the water table, flood level and proximity of the SAC boundary. SNH should be involved in any discussions about a scheme in addition to SEPA and the planning authority.

Material considerations

The justification for supporting this application as being contrary to established, adopted development plan policy appears to relate to the securing of the integrity of the scheduled monument and listed building which also lie within the ownership of the applicant. Whilst the preservation of these important structures is greatly encouraged and supported, there is an existing responsibility of the owner to maintain these.

The granting of permission for a dwellinghouse at the site does not, in itself, guarantee the appropriate maintenance of the associated scheduled monuments. The current landowner may well intend to spend some time and money ensuring the integrity of the ruins though this should not be dependant on the positive outcome of this application.

Conclusion

In light of the above, I consider the proposed development to be contrary to a number of policy elements at both local and national levels. Whilst there are material considerations to be taken into account, I do not consider that these outweigh the primacy of the development plan. Neither is there an overriding public need for the development of the proposed dwellinghouse which, if supported, would adversely affect the setting of the scheduled monument. On this basis I recommend refusal of the application as being contrary to the development plan and to national policies.

DEVELOPMENT PLAN

H_001 Highland Sustainable Development

The Council will seek to ensure, where possible, that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. The following principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development: -

- (a) The consumption of non-renewable resources should be at levels that do not restrict the options for future generations.
- (b) Renewable resources should be used at rates that allow their natural replenishment.
- (c) The quality of the natural environment should be maintained or improved.

- (d) Where there is great complexity or there are unclear effects of development on the environment, the precautionary principle should be applied.
- (e) The costs and benefits (material and non-material) of any development should be equitably distributed.
- (f) Biodiversity is conserved.
- (g) The production of all types of waste should be minimised thereby minimising levels of pollution.
- (h) New development should meet local needs and enhance access to employment, facilities, services and goods.

H_002 Highland Development Criteria

All developments within the Plan area will be judged against the following criteria:-

- (a) The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate opportunities for landscape enhancement will be sought.
- (b) In the case of built development, regard should be had to the scale, form, colour, and density of development within the locality.
- (c) The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.
- (d) The local road network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided.
- (e) Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development.
- (f) The site should be large enough to accommodate the impact of the development satisfactorily in site planning terms.
- (g) Buildings and layouts for new development should be designed so as to be energy efficient.
- (h) Built development should, where possible be located in those settlements which are the subject of inset maps.

H_003 Highland Landscape

Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

H_007 Highland Flood Risk

Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted. For the purposes of this policy flood risk sites will be those which are judged to lie within:-

- (a) Areas which flooded in January 1993.
- (b) Sites which lie within a flood plain.
- (c) Low lying sites adjacent to rivers, or to watercourses which lead to categories a and b above.

H_013 Highland Nature Conservation

Development will only be permitted on a site designated or proposed under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or a Ramsar Site where the appropriate assessment indicates that the following criteria can be met:-

- (a) The development will not adversely affect the integrity of the site.
- (b) There are no alternative solutions.
- (c) There are imperative reasons of overriding public interest.

H_025 Highland Archaeology

The Council will safeguard the settings and archaeological landscapes associated with Scheduled Ancient Monuments (protected under the Ancient Monuments and Archaeological Areas Act 1979), in the absence of reasons of overriding proven public interest.

Note: Further details of the list of Scheduled Ancient Monuments is contained in the Technical Appendix.

H_027 Highland Archaeology

Where it is likely that archaeological remains may exist, the prospective developer will be required to arrange for an archaeological evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist before the planning application is determined.

H_028 Highland Listed Buildings

There will be a presumption against the demolition of Listed Buildings and against works detrimental to their essential character. There will be a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

H_041 Highland Transport Standards

Adequate provision for car parking, servicing and where appropriate public transport must be made in all new developments in accordance with the Council's standards.

H_054 Highland Housing in the countryside

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.

(b) Renovation or Replacement of Houses

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

(i) Where the existing house is:

(ii) of traditional form and construction,

or is otherwise of architectural merit, encouragement will be given to its restoration rather than its replacement.

(ii) Any alterations and extension to an existing house should be in harmony with the existing building form and any extension of the property should generally be the subordinate rather than the dominant element of the completed house.

(iii) If it can be shown that the existing house is

either not worthy of retention

or is not capable of rehabilitation, substantial rebuilding or complete replacement will be permitted.

- (iv) Where rebuilding or demolition is permitted of a traditional house, or one of architectural merit, the replacement house shall be of similar form, size, style and materials as the original house.
- (v) The replacement of an abandoned or ruinous house will be permitted only where sufficient of the existing house remains to enable the size and form of the building to be identified.
- (vi) A replacement house should be constructed on the solum of the existing house, unless there are good planning reasons to permit an alternative location, and shall be of a form, style and size which gives a good 'fit' in the landscape.
- (c) Conversion or Replacement of Non-Domestic Buildings
Consent will be granted for the conversion of non-domestic buildings such as steadings, mills etc to form houses and may be granted for the replacement of such buildings provided the following criteria are met:
 - (i) Where the building:
 - ¿ is of traditional form and construction,
 - ¿ or is otherwise of architectural merit,
 - ¿ or makes a positive contribution to the landscape, and its retention is considered beneficial to its surroundings,
 - ¿ and it is capable of conversion to residential use without requiring major extensions or alterations to its external appearance which would detract from its character or attractiveness, encouragement will be given to its conversion rather than its replacement.
 - (ii) Any alteration and extension should be in harmony with the existing building form and any extension of the building should generally be the subordinate rather than the dominant element of the completed house.
 - (iii) If the existing building is not worthy of restoration or capable of conversion, its replacement by a new house may be permitted provided:
 - ¿ sufficient of the existing building remains to enable its size and form to be identified,
 - ¿ it is located on an established site with a good landscape setting and a good 'fit' in the landscape and on a site acceptable on planning grounds,
 - ¿ the new house is, in essence, a replacement of the existing building, in terms of size, character, building form and constructed of traditional materials, reusing where possible existing materials,
 - ¿ the house is a replacement for a well located traditional building rather than, for example, a modern agricultural or industrial building or telephone exchange which are explicitly excluded from this policy .
 - (iv) A satisfactory residential environment can be created if the house is to be located adjacent to a working farm, and provided the introduction of a house will not interfere with the continuation of legitimate agricultural and related activities.
 - (v) Applications to create more than one house from an existing building will be treated on their merits, with particular attention being given to the need to provide adequate access, privacy and amenity space for each house created.
 - (vi) Applications to create more than one house through a replacement building will only be permitted if it can be demonstrated that the original building would have been of sufficient size to have contained more than one house.
 - (vii) Applications for conversion of non-domestic property will not be approved within fifteen years of the date of their construction.
- d) Operational Need
Exceptionally , where there is an operational need f or a house in the countryside, subject to the satisfactory siting and design of the house and to a condition controlling its occupancy .
- (e) Western Highland Perthshire

In the western half of the landward area, as shown on Proposals Map 1, Consent may be granted for houses within scattered but recognisable building groups or places where:

- (a) The existing pattern of settlement is reflected and respected.
- (b) The site has a good landscape or topographical setting.
- (c) The amenity of existing houses is respected.
- (d) The house has a safe access to the public road network.
- (e) The development does not conflict with any other policy or proposal contained in the Local Plan.

This policy will apply to Gallin; Bridge of Balgie; Innerwick and Invervar in Glen Lyon, and Killichonan; Bridge of Gaur; Finnart and Camghouran on Loch Rannoch as well as to other appropriate locations in the area. Where pressure for a number of houses is concentrated in a single location the Council will defer consideration of applications until an Advisory Plan has been approved by the Council for the area. Planning applications for outline consent for new housing in these areas are unlikely to be acceptable without detailed plans including elevations showing the new building in its setting.

Within the Lunan Valley catchment area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

For all Proposals

- (i) Satisfactory access and services should be available or capable of being provided.
- (ii) Proposals should comply with the design advice contained in the Council's Guidance on the Siting and Design of Houses in Rural Areas with particular regard being paid to Policies 4 and 5 of the Plan.
- (iii) The quality of the design and materials of the house should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of the curtilage of a new house in the countryside.
- (iv) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- (v) Full applications should be submitted for all proposals, but where an outline application is made this must be accompanied by sketch plans indicating the size of the proposed new building or extension and proposed elevational treatments and materials.

Tayplan Strategic Development Plan 2012-2032 June 2012

Policy 3: Managing Tayplan's Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

PKC Local Development Plan, Jan 2012 Proposed Plan

This is the Council's most recent policy statement and is a consideration. The Plan has yet to be adopted.

Policy PMA1: Placemaking requires that all development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaption. The design and siting of development should respect the character and amenity of the place and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works where appropriate to the local context and the scale and nature of the development.

Policy RD3: Housing in the Countryside

This policy supports the development of single houses or groups of houses which fall within at least one of the six identified categories. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area. Further guidance is provided within the Supplementary Guidance.

Policy HE1A: Scheduled Monuments carries a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE2 carries a presumption in favour of retention and sympathetic restoration, correct maintenance and sensitive management of Listed Buildings to enable them to remain in active use. The detail of any development which would affect the listed building or its setting should be appropriate to the building's character, appearance and setting.

OTHER POLICIES

Housing in the Countryside Policy 2009: This policy updates the Council's previous Housing in the Countryside Policy 2005. It seeks to strike a balance between the need to protect the outstanding landscapes of Perth and Kinross and to encourage appropriate housing development in rural areas (including the open countryside).

The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations; and
- Ensure that high standards of siting and design are achieved.

It remains the aim of the Development Plan to seek to locate the majority of new development in or adjacent to existing settlements but the Council will support proposals for the erection, or creation through conversion of single houses and groups of houses in the countryside which fall into at least one of the six prescribed categories within this policy. A series of criteria is also applicable to all proposals.

Primary Education and New Housing Development Policy (May 2009)

The Developer Contributions Policy applies to the whole of Perth and Kinross and seeks to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development where there are capacity issues at the catchment primary school. As this application is only in principle it is not possible to provide a definitive answer at this stage however it should be noted that the policy would apply to all new residential units with the exception of those outlined in the Policy. If the application is to be supported, a condition requiring the development to comply with the Policy at the detailed/full stage would be necessary to ensure the appropriate contribution is made.

Historic Scotland's Scottish Historic Environment Policy 2009 confirms Scottish Ministers are committed to the sustainable use and management of the historic environment. Listing is applied to afford protection, where possible, to buildings of special architectural or historic interest for future generations. It is intended to safeguard the character of Scotland's built heritage and to guard against unnecessary loss or damage. This includes the setting of Listed buildings.

Scottish Planning Policy 2010

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

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

Of relevance to this application are:

- Paragraphs 113 -114: Listed Buildings
- Paragraph 118: Scheduled Monuments
- Paragraphs 196 – 211: Flooding and Drainage

SITE HISTORY

none

CONSULTATIONS/COMMENTS

Transport Planning	Insofar as the Roads matters are concerned, no objection to the proposed development provided a condition relating to all matters is applied, in the interests of pedestrian and traffic safety.
Local Flood Prevention Authority	LFPA objects. SPP states in paragraph 202 that a precautionary approach should be used when considering flood risk for planning applications. There is currently insufficient evidence that the proposed development should not be considered as being in an area of 'medium to high risk' flood risk as indicated by the 1/200 year outline shown on SEPA's indicative River and Coastal Flood Map (Scotland), and therefore we object.
Conservation Team	The development site is clearly visible from the Old Lawers Church and thus will have an impact on the setting of the listed building. The development will also have an impact on the setting of the scheduled monument as it introduces a building into a field which historically was always kept undeveloped. This field is an integral part of the original morphology of the village and it is important to preserve the "sense of place" which defines the setting of an historic asset. The reading of the historical layout of the area should not be diluted.

The architectural supporting statement indicates that the dwelling-house design would be a traditional 'but and ben' or 'blackhouse' styling, but would be 'translated into 21st Century internal spatial flexibility and modern day construction techniques'. It is also suggested that the new dwelling will probably be one and a half storey in height. A one and a half storey house built to modern standards would be significantly higher than a traditional but and ben or blackhouse.

Under 'site, setting and context' the statement suggests that 'little or no formal landscaping or ancillary accommodation buildings, such as sheds or detached garaging could be provided which would affect the context of the adjacent ruins and could visually impact the sites in a negative manner'. However, the laying out of a formal garden area would not necessarily come under planning control.

Despite the design and mitigation measures suggested in the supporting statement I have serious concerns about the visual impact of a dwellinghouse in this location. As well as the impact of the dwellinghouse itself there would also be additional visual impact resulting from any terracing or excavation on this sloping site, the access road and driveway, services and any formal landscaping or garden layout.

There is also the impact on the historical character of the area. The effect of the development on the qualities of the existing setting of the old village, namely the evocation of the historical past and sense of place, would in my view be irreparably damaged.

Consequently the Business and Community Projects (Conservation) Section objects to this proposed development.

Scottish Water

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

There are no public water mains in the vicinity proposed development site.

Scottish Natural Heritage

No response at time of report and therefore no comments to make.

Education And Children's Services

This development falls within the Kenmore Primary School catchment area.

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

Environmental Health

Properties in the locality of the development are known to be served by private water supplies and wastewater drainage.

I have no objections to the application but recommend that a condition relating to water and waste infrastructure be identified and informatives be included in any given permission.

Historic Scotland

The proposed development site shares its northern and southern boundaries with the deserted village of Old Lawers, which is recognised as being of national importance and designated as a scheduled monument under the Ancient Monuments and Archaeological Area Act 1979, where it is known as 'SM 6280 Old Lawers Village, deserted settlement, Lawers Acres'.

Old Lawers Village comprises the remains of a deserted village represented by a series of well-preserved stone buildings of 17th-century and later date. These buildings include the House of Lawers (built over the remains of an earlier house in 1645), the former Lawers church (1669) and two mills. Other, less well preserved buildings of more modest construction are also visible. It is likely that the remains of even earlier buildings will be present under and around the upstanding remains.

The scheduled monument is in three parts; the southern contains the House of Lawers and the Old Lawers Church, and is separated by a defined 'infield' from the central and northern parts which contain mills and lesser status buildings that cluster around the Lawers Burn. An important element of the setting of the monument is its lack of modern development; the morphology and development history of the village are capable of being understood, as is the undeveloped 'infield' between the southern and central parts of the village.

The proposed development site comprises the 'infield' between the southern and central parts of the scheduled monument, as well as a strip of land covering the access track to the site that runs through the southern part of the scheduled area. It is likely that any modern development within the 'infield' will have an impact upon the setting of the scheduled monument, as it introduces a built structure into an area of ground that had deliberately been kept undeveloped. However, we feel that the proposed location and scale of the dwellinghouse is such that it will still allow the 'infield' to remain capable of being understood, especially if formal garden ground and

detached ancillary buildings are not proposed. We recognise that the morphology of Old Lawers Village has been taken into account when considering the size and orientation of the proposed dwellinghouse. Given the above, Historic Scotland has does not object to this application.

However, you should be aware that any works within the scheduled area require the prior written consent of Scottish Ministers, a process known as scheduled monument consent (SMC). This process is separate to any planning consents and one is without prejudice to the other. The upgrading of the access track where it runs through the scheduled area will require SMC, and the principle of this is something we have discussed with the applicant. Any new services needed as a result of this planning application should be routed so as to avoid the scheduled area.

In addition, given the proximity of the proposed dwellinghouse to the scheduled monument and also the direct impact of upgrading works to the access track, we will likely wish to comment further on any reserved matters application that may be forthcoming in due course.

Please note that our comments relate only to scheduled monuments.

Perth And Kinross Area
Archaeologist

I can confirm that the proposed developed site has archaeologically potential. Old Lawers Village is a nationally important archaeological site and as such is designated as a Scheduled Monument (6280). The monument comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and is likely to contain buried archaeology dating to earlier periods.

The above development is proposed to be located directly adjacent to Old Lawers Village. While the proposed development will impact on the setting of the deserted settlement, the proposed siting of the development and the presence of mature trees surrounding the site will lessen the impact of the development on the setting of Old Lawers Village.

Archaeological remains associated with Old Lawers Village may be disturbed by the proposed development. To ensure the recording of any archaeological deposits associated with Old Lawers Village it is recommended that an archaeological evaluation be carried out to determine whether any archaeological deposits survive and to assess their nature and extent prior to development. The results of this assessment can then be used to develop a strategy for preservation of any surviving remains, either in situ or by record.

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. It is recommended that an archaeological condition is attached to any permission granted.

Glenlyon And Loch Tay
Community Council

Objects on the following grounds:

- inadequate vehicular access
- loss of trees
- adverse impact on nature conservation and biodiversity
- effect on listed buildings and conservation areas
- layout and density
- design
- archaeology
- flood risk
- landscaping
- access to both parts of the SAM is via the proposed plot
- unacceptable precedent to set

This is a respected and revered site both locally and abroad due to its reference in "In Famed Breadalbane" by Rev. Gillies of Kenmore; its association with the Lady of Lawers; its place in local folk law and because of the graveyard. It is a place of solitude and tranquillity as well as important archaeologically, historically and as a conservation area. The introduction of a modern dwelling is completely incongruous and will destroy it as a deserted village. This Council supports the comments of the Planning Officer who dealt with the Pre Application Enquiry that the proposals were "considered to be unacceptable" as they did not fall within the terms of either "supportable development" as outlined in the Local Plan Policy 54: Housing in the Countryside, or the Housing in the Countryside Policy 2009 and therefore, ask that this proposal be refused.

TARGET DATE: 3 June 2012

REPRESENTATIONS RECEIVED:

Number Received: 25

Summary of issues raised by objectors:

The 25 representations, including from the community council, raise the following concerns:

- the site is too sensitive
- site is an SAM and should be respected and maintained as such - any proffered restoration works does not compensate for the detrimental effect new build would have
- flood risk
- the location has great historical significance both locally and further afield
- the loss of the 'infield' will have a significant impact
- any building on this site would destroy the natural and man-made beauty that exists
- this is a highly scared environment and should be treated with respect

- any house, no matter the design, will detract from the experience and atmosphere of the old village
- current building regulations will inevitably make a modern house much bigger than any historic structure
- the applicants may not intend any outbuildings at the moment but they may appear in the future
- ancillary elements of modern life such as cars, power lines, satellite dishes, etc would be out of keeping with the area
- strongly object to any interference with the old ruins
- the access is of very poor quality and is liable to flooding
- improving the access will encourage others to access the site, for example campers, fishermen, which additional usage will result in damage to the site even if unintentional
- any loss of trees could destabilise the loch-side
- potential adverse impact on biodiversity
- detrimental impact on listed buildings
- family members are buried in the graveyard nearby and the graves are visited regularly
- the construction process would cause considerable disruption and disturbance
- preservation of the ruined church and house is important but not at the expense of the old village as a whole
- surprised and dismayed that Historic Scotland, a government body, is not objection to this application
- the suggested one and half storey house would not be appropriate as this would emulate the ruins of House of Lawers, the church or mill buildings, neither would a butt and ben or blackhouse suggested by the agent and all suggestions are inappropriate to the locality

The applicant submitted a letter in response to the representations received and provides a general statement before commenting on each representation individually. The applicant explains his knowledge and experience of historical properties and emphasises his intentions for securing the ruined structures. A copy is available to view in the file.

Response to issues raised by objectors:

The majority of concerns are dealt with in the appraisal section.

It is worth noting the significant level of concern to retain the atmosphere of the area as it currently is. This is an aspect not readily covered by planning policy but is obviously an important public concern.

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	Submitted
Report on Impact or Potential Impact eg Flood Assessment	Not Submitted

Legal Agreement Required:

no

Summary of terms:

N/A

Direction by Scottish Ministers: no

Reasons:-

- 1 The proposal is contrary to Highland Area Local Plan 2000 Policy 2 which, amongst other criteria, requires all development to be compatible with its surroundings in land use terms and not to result in a significant loss of amenity to the local community. The proposal is not compatible with its surroundings in land use terms and does not have regard to the existing amenity and character of the area. The development would therefore have a significant detrimental effect on the amenity of the area.
- 2 The proposal is contrary to Highland Area Local Plan 2000 Policy 3: Landscape in that the proposal would not conserve existing landscape features and sense of local identity nor would it strengthen or enhance landscape character.
- 3 The proposal does not meet the terms of Highland Area Local Plan 2000 Policy 7: Flood Risk as the proposal would result in development within an identified flood plain area.
- 4 The proposal is contrary to Highland Area Local Plan 2000 Policy 54: Housing in the Countryside in that the proposal does not lie within a building group, does not constitute extension of an established building group onto a definable site, does not involve the renovation or replacement of traditional domestic or non-domestic buildings, there is no operational need nor does the development reflect and respect the existing pattern of any settlement. The development does conflict with other policies in the Local Plan.
- 5 The proposal is contrary to Highland Area Local Plan 2000 Policy 28: Listed Buildings in that the proposed development would be detrimental to the essential character of the setting of the listed building.
- 6 The proposal is not in accordance with Highland Area Local Plan 2000 Policy 25: Archaeology in that the proposed development would not safeguard the setting and archaeological landscape of the associated scheduled monument.
- 7 The proposal does not accord with the requirements of Scottish Planning Policy 2010 (paragraph 113) in that the proposal would result in a development which would not be appropriate to the character and setting of the listed building.

Justification

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

TCP/11/16(229)**Planning Application 12/00628/IPL – Erection of a dwellinghouse (in principle) on land 60 metres north east of Old Church Lawers**

REPRESENTATIONS

- Representation from Environmental Health Manager, dated 2 May 2012
- Objection from The Architectural Heritage Society of Scotland, dated 2 May 2012
- Objection from Neil Hooper, dated 4 May 2012
- Representation from Perth and Kinross Heritage Trust, dated 8 May 2012
- Objection from Mr and Mrs McEwan, dated 10 May 2012
- Objection from Ted McDiarmid, dated 10 May 2012
- Objection from Margaret McDiarmid, dated 10 May 2012
- Objection from Amy McDiarmid, dated 13 May 2012
- Objection from Dr M MacMartin, dated 13 May 2012
- Objection from Glen Lyon and Loch Tay Community Council, dated 14 May 2012
- Objection from William Hoare, dated 15 May 2012
- Objection from Mr D Campbell, dated 15 May 2012
- Objection from Mr M Browe, dated 15 May 2012
- Objection from Ian McGregor, dated 16 May 2012
- Objection from Ms E McDiarmid, dated 16 May 2012
- Objection from K McGregor, dated 17 May 2012
- Objection from The Breadalbane Heritage Society, dated 17 May 2012
- Objection from Susan Gardener, dated 17 May 2012

- Objection from Peter McDiarmid, dated 17 May 2012
- Objection from Ian Hitchins, dated 17 May 2012
- Objection from R Hooper, Chair of The James M Maclaren Society, dated 18 May 2012
- Objection from Peter Ely, dated 18 May 2012
- Objection from Mairi Stewart, dated 18 May 2012
- Objection from Wilma Harrison, dated 18 May 2012
- Objection from The National Trust for Scotland, dated 18 May 2012
- Objection from Rev. Anne Brennan, Church of Scotland
- Representation from Historic Scotland, dated 24 October 2012
- Representation from Local Flood Prevention Authority, dated 24 October 2012
- Representation from Perth and Kinross Area Archaeologist, dated 24 October 2012
- Objection from Conservation Team, dated 24 October 2012
- Representation from K McGregor, dated 3 March 2013
- Representation from Dr M MacMartin, dated 4 March 2013
- Representation from Amy McDiarmid, dated 4 March 2013
- Representation from Elizabeth McDiarmid, dated 5 March 2013
- Representation from N Hooper, Breadalbane Heritage Society, dated 6 March 2013
- Representation from R Hooper, Chair of The James M Maclaren Society, dated 6 March 2013
- Representation from Mairi Stewart, dated 7 March 2013
- Representation from Ian McGregor, dated 7 March 2013
- Representation from Sue Gardener, dated 7 March 2013
- Representation from The National Trust for Scotland, dated 8 March 2013
- Agent's letter of response to representations, dated 25 March 2013
- Agent's letter of response to the representation from The National Trust for Scotland, dated 12 April 2013

Memorandum

To	Development Quality Manager	From	Environmental Health Manager
Your ref	12/00628/FLL	Our ref	MA
Date	2 May 2012	Tel No	01738 476466

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of a dwellinghouse (in principle) Land 60 Metres North East Of Old Church Lawers for Mr and Mrs Reid

An application for planning permission has been submitted in respect of the above. The grid reference of the development site is 268414 739497.

I refer to your letter dated 24 April 2012 in connection with the above application and have the following comments to make.

Water

Properties in the locality of the development are known to be served by private water supplies and wastewater drainage.

I have no objections to the application but recommend the undernoted condition and informatives be included in any given consent.

Condition

Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving the nearby properties, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Informatives

1. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

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



AHSS National Office
The Glasite Meeting House
33 Barony Street
Edinburgh
EH3 6NX

T: 0131 557 0019
F: 0131 557 0049
E: nationaloffice@ahss.org.uk
W: www.ahss.org.uk



THE ARCHITECTURAL
HERITAGE SOCIETY
OF SCOTLAND

*For the study and
protection of Scottish
architecture*

email: wbeaton@talktalk.net
Telephone 01577 862 807

Head of Development Standards,
Department of Planning & Transportation,
Perth & Kinross Council,
Pullar House,
35 Kinnoull Street,
Perth,
PH1 5GD



2nd. May, 2012

Your ref: 12/00628/IPL
Our ref: 1/6

Dear Sirs,

ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE) AT
LAND 60 METRES NORTH EAST OF OLD LAWERS CHURCH

We have examined the plans and being familiar with the site, consider this to be too sensitive a location. The application should be refused.

Yours faithfully,



For The Architectural Heritage Society of Scotland

From: Neil Hooper
Sent: 04 May 2012 16:38
To: Development Management - Generic Email Account
Subject: Old Lawers Village

To: Develpoment Management
From: Neil Hooper, 2 Ardtrasgairt Cottages, Fortingall, PH15 2LN
Subject: 12/00628/ILP - Erection of a dwelling house NE of Old Church of Lawers

I have only just realised that this application relates to a site between the 2 Scheduled Monument sites comprising Old Lawers Village, so I am emailing you with a quick response in case I miss the deadline for comments. Your website is refusing to let me log in to make an online comment.

i think that granting an in principle permission to build on this site is dangerous in the extreme. As Chairman of the Breadalbane Heritage Society, last September I led a guided walk round old Lawers village as part of Perthshire Archaeology Month, and so I am familiar with the site and its history (admirably summarised in the appendix to the application). I also greatly appreciate the desire of the applicants to maintain the site in good order. I also understand that the architects propose to design a house in sympathy with its surroundings, and I see that Historic Scotland is not objecting as long as the scheduled areas are protected.

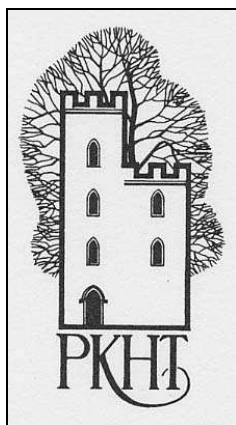
I do not see, however, how building a new house in that position can not detract from the experience of anyone visiting the old village. Both sections of the village have their own special atmosphere, and the open grassland between them is integral to that. I have heard gasps of appreciation from visitors coming through the gate on the access track from behind the old kirk, on first seeing the beauty of that grassland sloping down to the loch. A new build house there would destroy that. I am afraid I cannot believe that a modern house there could fit in with the existing ruins, whether as a pastiche of an old but and ben or one of the typical modern houses that are being erected locally. Current building regulations will inevitably make a new house much bigger than traditional houses were - there are so many examples around here of new houses - albeit well designed - dominating the old houses they are built alongside.

I note that the applicants say they will not have a garage or outbuildings or demarcate their garden, but I cannot believe that this would continue in the future. If the current access track is upgraded to serve this property, new residents will surely regard it as theirs, and this will not sit well with the welcome idea of increased use by visitors.

I have much sympathy with the desire of the owners to have a house on such a lovely piece of the lochside, and to revitalise the old village, but I do feel that granting planning permission for such a development is extremely dangerous, and I must object to it.

Sincerely

Neil S Hooper



Memorandum

To: Christine Brien, TES.

From: Sarah Malone, PKHT.

Date: 8 May 2012

Tel: 01738 477080

*Perth and Kinross Heritage Trust.
The Lodge, 4 York Place, Perth
PH2 8EP.*

12/00628/IPL: Erection of a dwellinghouse (in principle) at Land 60 Metres North East Of Old Church Lawers.

Thank you for consulting PKHT on the above application. I can confirm that the proposed developed site has archaeologically potential. Old Lawers Village is a nationally important archaeological site and as such is designated as a Scheduled Monument (6280). The monument comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and is likely to contain buried archaeology dating to earlier periods.

The above development is proposed to be located directly adjacent to Old Lawers Village. While the proposed development will impact on the setting of the deserted settlement, the proposed siting of the development and the presence of mature trees surrounding the site will lessen the impact of the development on the setting of Old Lawers Village.

Archaeological remains associated with Old Lawers Village may be disturbed by the proposed development. To ensure the recording of any archaeological deposits associated with Old Lawers Village it is recommended that an archaeological evaluation be carried out to determine whether any archaeological deposits survive and to assess their nature and extent prior to development. The results of this assessment can then be used to develop a strategy for preservation of any surviving remains, either *in situ* or by record.

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. It is recommended that the following archaeological condition is attached to consent, if granted

The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the planning authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Perth and Kinross Heritage Trust. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Perth and Kinross Heritage Trust in writing not less than 14 days before development commences.

Notes:

1. Should consent (incorporating the recommended condition) be given, it is important that the developer contact me a.s.a.p. I can then explain the level of work required and provide 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.
3. Historic Scotland may need to be consulted on the potential implications of the development on the settings of Scheduled Ancient Monuments, as required by Article 15 (1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 and recommended by PAN 2/2011.

12/00628/IPW
TO PLANNING DEPT,
PULLAR HOUSE,
35 KINNOULL ST,
PERTH. PH15GT.

RECEIVED
14 MAY 2012

CB
"Bultrennicks"
15 Boyd Avenue,
Brieff PH4 3SH.
10th May 2012.

Dear Sir,

Having lived in Laurels, Lochtagside for many years, I am horrified that the peace and tranquility at the Lochside is to be changed completely by modern plans and buildings.

I also strongly object to any interference of the old ruins by the Loch, which are renowned for their history.

Yours faithfully,
[Redacted Signature]



380 Alexander Street
P.O. Box 952
Windsor, Nova Scotia
Canada B0N 2T0
May 10, 2012.

RECEIVED
18 MAY 2012

Perth & Kinross Planning Department
Pullar House
35 Kinnoull Street
Perth, PH1 5GD
Scotland, United Kingdom

Reference: 12-00628-IPL (A)

I am writing this letter in objection to the proposed development at the Old Village of Lawers. This is a sacred area which should continue as a place that offers peace and solitude.

My family has a deep affinity with the Old Village of Lawers. My great grandfather, Donald McDiarmid, is buried in the cemetery. Members of my family have travelled from Canada to Lawers on numerous occasions during the past forty years (1972, 1974, 1979, 1986, 1989, 1991, 1992, 1994, 2005, 2007, and 2011).

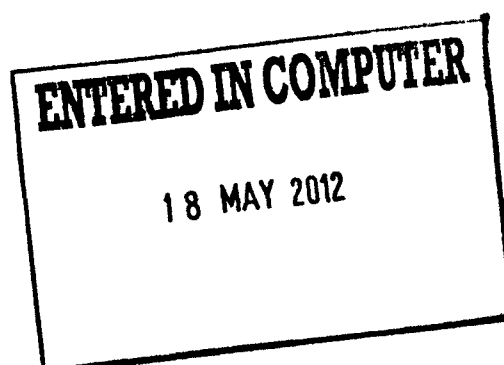
The way from the A827 down to the Old Village of Lawers is a walk back through time, giving one pause for reflection on the various generations that are rooted in this ground. The Highland Cattle by the water's edge and the serenity of the landscape reinforce the special character of the Old Village of Lawers.

Please preserve this unique place in the world.

Sincerely,



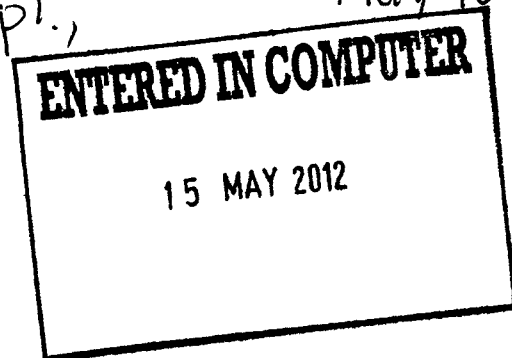
Ted McDiarmid



RECEIVED
15 MAY 2012

20 Southport St
Suite 317,
TORONTO, ONT.,
M6S 4Y8
May 10, 2012

PERTH & KINROSS PLANNING DEPT.,
PULLAR HOUSE,
35 KINNOLL ST.,
PERTH,
PH1 5GD



Ref. # 12-00628 - I.P.L (A)

Dear Sirs,

I strongly object to the proposed development at the Old Village of Lawers.

This is a highly sacred environment, the peace and solitude of which should not be disturbed. Moreover, it is of great historic importance and the ruins should be unaltered and regarded with respect.

Over the years, the Old Village of Lawers is frequently visited by relatives and visitors from all over Scotland and beyond. For the past 45 years, I have visited yearly from Canada, spending time in the Village and also the graveyard, where my parents & family are buried. I find it comforting

and memorable to spend time in this sacred place.

Therefore, I strongly object to the proposed development, as any alteration would be an intrusion, destroying the peace and tranquility of this historic site.

Thank you for your attention.

Yours truly,

A solid black rectangular box used to redact the signature of Margaret J. McDiarmid.

MARGARET J. McDIARMID

Mrs Amy McDiarmid (Objects)

Comment submitted date: Sun 13 May 2012

Would you allow a modern house to be built right next to Stone Henge?

Though this site may not be of such national importance, it is of equal importance to the local community and outside visitors to the site.

The application is on the green 'infield' site between two recognised scheduled monuments, but this green site is in no way, not part of these two sites and not only joins them both physically but adds to the character and spirit of the old village.

I'm sure previous residents of Lawers considered it as part of their village and as such it should still be treated as an integral part of both sites.

Visitors and locals alike learn of the history of this site and it makes it all the more magical. To hear stories of the Lady of Lawers and the old Steamer, one is transported to another time and, when visiting, the atmosphere of the site makes it easy to imagine what it would have been like to live here and how beautiful the village would have been and still is.

To build a modern house right in the middle of this, regardless of how sympathetic the design is, would destroy this magic completely.

To build on this site would destroy the natural and man made beauty that exists here and it would be impossible to retain or regain it in the future.

It is with this in mind that we must strongly object to this application.

McDiarmid Bros.

Ben Lawers Farm

26 Stoll Park Road,

CB

Burnam,

Dunkeld,

16 MAY 2012

PH80QA

13th May 2012



Planning Department,

Perth & Kinross Council,

Pullar House,

35 Kinnoull Street,

Perth PH1 1DS

Re. Planning Application 12/00628/1PL (E)

Dear Sirs,

I object to the erection of a dwelling house as specified in planning application 12/00628/1PL (E).

The old village of Larvers has always been treated with great respect by the local families. It is a place of religious and historical memory and the usual route to the nearby Larvers Burial Ground. That graveyard is still in use and visited by people from many parts of the world as they link with their heritage. My ancestors have been buried there since the 1700's.

I feel that the proposed dwelling house would be completely out of place in such a peaceful and undisturbed

spot and that its construction would cause considerable
disruption and disturbance.

yours faithfully

A solid black rectangular box used to redact the signature of the sender.

GLEN LYON & LOCH TAY COMMUNITY COUNCIL

Head of Planning and Regeneration
Pullar House
35, Kinnoull St.
Perth
PH1 5GD

Secretary
Nurses Cottage
Bridge of Balgie
Glen Lyon
PH15 2PP
14:05:2012

Dear Mr. Littlejohn,

Re: Planning Application 12/00628/IPL

The title of this application is misleading. Erection of a dwelling house 60 m. N.E of the Old Church Lawers is in fact, 60m. N.E of the the Church at Old Lawers. This makes it a very different proposition as it puts it within the setting of ,and very close to a listed ancient monument of local, national and international importance. This Council objects to the imposition of a

modern dwelling house onto this site.

Material Considerations for objection:

1. Vehicular access - *The U184 Lawers Pier Road has not been actively maintained for a number of years and is in extremely poor condition for the passage of vehicular traffic. The road is considered no longer necessary as a vehicular route and can be stopped up subject to the reservation of rights of passage for pedestrians, cyclists and horse riders. The Pier is no longer used, hence no alternative route is necessary.* -quote from Stopping Up Proposal March 26th. 2008. It has not been possible to categorically confirm whether this was implemented or not as this is the only reference to U184 on the PKC website although it is believed locally that it came into effect. The access road, gated at both ends, is indeed, still in extremely poor condition as it washes out regularly in heavy rain .At present it is adequate to allow pedestrians access to Old Lawers Village and the graveyard. If it was upgraded to allow vehicular access again this would open it to the motoring public requiring it to have passing places and a turning and parking area at the loch end non of which is compatible with this highly sensitive area.
2. Loss of trees - any cutting or removal of trees and shrubby growth could de-stabilise the loch side; curtail regeneration; disfigure the site. There is good reason for this area being covered by the conservation protection listed below.
3. Adverse impact on nature conservation and biodiversity - this is a highly sensitive

conservation area. The National Trust for Scotland hold a Conservation Agreement over this area and it is within the River Tay Special Area of Conservation and the Breadalbane Environmentally Sensitive Area.

4. Effect on listed buildings and Conservation areas - the In-field is an integral feature of the old village and essential to the setting of this ancient monument. An important element of that setting is the **absence** of modern development. The In-field is as much a part of the Old Village as the buildings and should continue to be preserved as such. The introduction of any built structure within this area will adversely impact and detract from the setting of the ancient monument. **Old Lawers would no longer be a deserted village.** Given the proximity of the proposed dwelling house to the monument site there is danger of damage to the site as a direct result of building operations. Similarly, both the building of the house and upgrading of the access track will have direct impact on the area of conservation.
5. Layout and density - while consideration has been given to the siting of the proposed dwelling house it is still interposed between the two parts of the Old Village and, therefore unacceptable.
6. Design etc - although not specifically stated in the Supporting Statement it is inferred that this will be a 1 1/2 - 2 storey building by modern standards which is higher than the old 1 1/2 storey as evidenced in Lawers and other places in the area. If it is then built on a high foundation slab as an added precaution against flooding, a common practise in this area, this will be a considerably taller building than any existing gable forming the monument and even more incongruent with it, with higher prominence and visibility. Present day building regulations preclude anything approximating to a but and ben type design. No amount of natural materials or subdued colour palette can disguise the fact that this will be an **intact** building among ancient ruins. This will inevitably detract from the integrity and visual appearance of the ancient monument as will the other trappings of modern life - power and telephone cables, vehicles, fuel stores, refuse/recycling bins, aerials, satellite dishes (s) - (telephone, television and broadband services are extremely poor in this area). Aerials and satellite dishes have to be placed where the best signal is available whether that is sympathetic to an ancient monument or not.
7. Archaeology - Old Lawers Village is a listed Ancient Monument and should be respected and maintained as such. This proposal is out of keeping with such a site. Any proffered restoration work to the old buildings does not in any way compensate for the detrimental effect a new build will have so close to them.
8. Risk of flooding - while reference is made to the dwelling house and access track in the risk assessment there is no mention of suitable siting for a septic tank or other means of sewage and waste water disposal. There is nothing in the flood risk assessment to indicate that the person who produced it was qualified to do so. The assessment would carry more credence if it did.

9. Landscaping - any screening of the proposed house from the House of Lawers will further reduce the *open* space between them and contribute to increased alienation of the southern part of the monument from the northern part. It is the open grassland that forms the natural link between them and should be retained. The planning application indicates parking for two cars but, presumably, turning and parking space for larger vehicles would be needed, at least during the build phase. If the access track is upgraded considerably more parking will be needed to accommodate the general public. All this is totally unsatisfactory in such an archaeological and conservation sensitive area.

Non-material Considerations for objection:

10. There is a discrepancy between the planning application and the supporting statement over the water supply. The application indicates that the proposed dwelling house would connect to the public water supply network. The statement rightly assumes there is no public water supply network.
11. Public access to both parts of the monument and the graveyard would be through the applicants property. This seems an unsatisfactory arrangement for both the public and whoever is living in the proposed house.
12. If vehicular access to the Old Village is improved this will open the way for greater numbers of fishermen and campers both of whom can do considerable damage.
13. This application would set a very unwelcome precedent of building near this ancient monument and could be the thin end of an unwanted and unmerited housing development wedge. It is noted that the flood risk assessment also included the lint mill.

This is a respected and revered site both locally and abroad due to its reference in “In Famed Breadalbane” by Rev. Gillies of Kenmore; its association with the Lady of Lawers; its place in local folk law and because of the graveyard. It is a place of solitude and tranquillity as well as important archaeologically, historically and as a conservation area. The introduction of a modern dwelling is completely incongruous and will destroy it as a deserted village. This Council supports the comments of the Planning Officer who dealt with the Pre Application Enquiry that the proposals were “considered to be unacceptable” as they did not fall within the terms of either “supportable development” as outlined in the Local Plan Policy 54: Housing in the Countryside, or the Housing in the Countryside Policy 2009 and therefore, ask that this proposal be refused

Yours sincerely,

Susan Gardener - chair Glen Lyon and Loch Tay Community Council.

Mr william Hoare (Objects)

Comment submitted date: Tue 15 May 2012

There are many reasons to object to this proposal, but the main one to my mind is that the site is a totally inappropriate location for a new dwelling house. Placing a new residence in the middle of this scheduled monument site is crass in the extreme. Old Lawers village was an integrated site although the present ruins form two distinct parts of the former village. The presence of a house between these two parts destroys that integrity. This location has much historical significance, locally and further afield.

Bill Hoare

CB

RECEIVED

17 MAY 2012

6 Lannan Road -
Aberfeldy.
P14152BU.

15th May 2012.

Planning Department
Perth & Kinross
Perth.

ENTERED IN COMPUTER

17 MAY 2012

Kar Sir

Ref. 12/00628/IPL

With reference to the proposed
plan to erect a house on the
shoal line to Loch Tay at Lannan. By
Aberfeldy. I wish to lodge my
objection to this plan.

Yours faithfully.

[Redacted signature]

From

CB

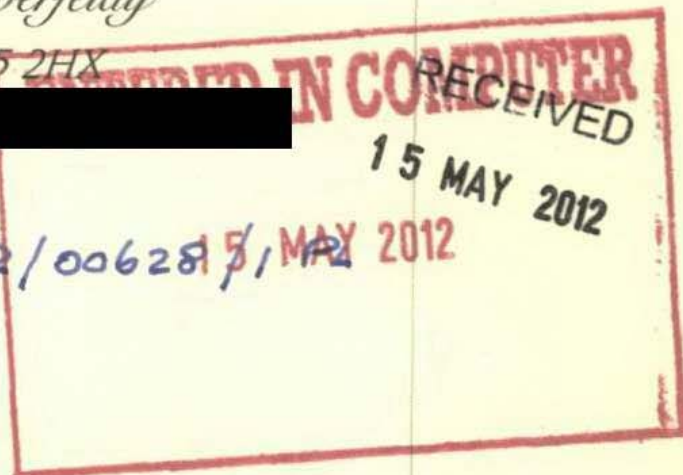
To. Perth Council
Planning

Pullar House
35 Kinross St
PERTH.

Milton of Ardtalnaig
South Lochtayside
by Aberfeldy

PH15 2HX

Ref. 12/00628/1



Dear Sir/Madam

As a resident working farmer on Lochtayside for 62 years I was somewhat dismayed to learn that yet another House/ (House) is proposed for a very sensitive area of the Lochside. The site mentioned is not only what could be described as a "Historical Site of Special (Scientific) interest" being at the focal point of the original village of Laurens which is steeped in history, but is an area of peace and a haven for many forms of wildlife. The access road is maintained by the incumbent of Ben Laurens Farm, being liable to flooding and disintegration.

This proposal, if granted, could be yet another nail in the coffin of the tranquility of Lochtayside. Yours etc,

CB

Linda Al-Ibrahimi

From: IAN MCGREGOR [REDACTED]
Sent: 16 May 2012 17:08
To: Development Management - Generic Email Account
Subject: Comment on Planning Application 12/00628/IPL
Attachments: LawersDevelopment.pdf

12/00628/IPL. Erection of Dwelling House in Old Lawers Village

I herewith attach my comments on this development

Ian McGregor

Silcroft
Fearnan
Aberfeldy
PH15 2PF

Development Management
Perth & Kinross Council

Dear Sir,

12/00628/IPL. Erection of Dwelling House in Old Lawers Village

I hereby express my opposition to the proposal for a house in the Old Lawers Village.

First of all I find it difficult to believe that Historic Scotland should have no real objection to this proposal. They draw attention to the layout of the old village saying "An important element of the setting of the monument is its lack of modern development: the morphology and development history of the village are capable of being understood, as is the undeveloped 'infield' between the southern and central parts of the village." They then indicate that the construction of a dwelling house in the 'infield' between the southern and northern parts will not impact on the understanding of the old village 'infield', especially if no detached ancillary buildings or a formal garden are allowed. There is no way, in my opinion, that these conditions can be enforced over the years and, in any case, in my opinion a modern house stuck in the middle of this valued site would completely change the impact it has on visitors.

I, with our Fearnan Art Club members, have been regular visitors to the place over the years and, I am sure all my colleagues agree with my comments.

I understand the real difficulties that planning departments have in balancing the interests of a legitimate application against the interests of the surrounding community. In this case it is necessary, in my opinion, to have an appreciation of the place the village has in the memories of Lawers' residents. Their memories go back to the circumstances of the clearances of the north shore of Loch Tay in the mid 19th century by Breadalbane and even further back. It is so important to respect these memories and acceptance of this application would be a sad day for Lawers residents. In addition the villages around Loch Tay get no benefit, as do the villages of the two National Parks; nor will Lawers get any benefit from the Wind Farm developments.

It can be argued that the attraction of new builds for holiday as well as permanent homes is a major factor for acceptance, but this, in my view, is short term thinking. I know how Fearnan has had a number of recent inappropriate developments, at least in my view. These developments could have been stopped or changed, I believe, had Fearnan residents had a better knowledge and understanding of village history.

ce that the applicant offers, to the no doubt
they will ensure that the trees are cleared from
around the church. Why indeed has that not already been carried out by Historic
Scotland? That proposal in any case should under no circumstances be a factor in
favour of the application.

To preserve both the ruined church and house is important, but this should be about
the importance of preserving the old Lawers village as a whole, so this application
should be refused.

Dr Ian McGregor


Pentk & Kivros Council
Planning Dept.,

Shenlarch,
Lavers,
Abesfeldy.
PH 15 2 NZ.



Dear Sirs,

Ref No 12/00628 / I.P.L (A.)

I object to the proposed development at the Old Village of Lavers in close proximity to the 1669 Church & the House of the Lady of Lavers.

I know the history of this area well & earlier in life met people who had lived in the now deserted village. I was brought up to revere this historic place and always held in awe the lady of Lavers & her prophecies concerning the area. Never at any time would we walk amongst the ruins of Church or House.

I am appalled that anyone would contemplate building a house in the vicinity & causing so much disturbance bringing in modern amenities. It amounts to sacrilege.

Countless descendants of the inhabitants of Lavers come annually to visit the ancient Machuim Burial Ground close by and to absorb the solitude & peace of this respected site.

This precious place must remain as it is

and any change strongly resisted. A modern building
would destroy the unique environment for ever.

I urge you to refuse the application.

Yours faithfully,

[REDACTED]

7611240000

CB.

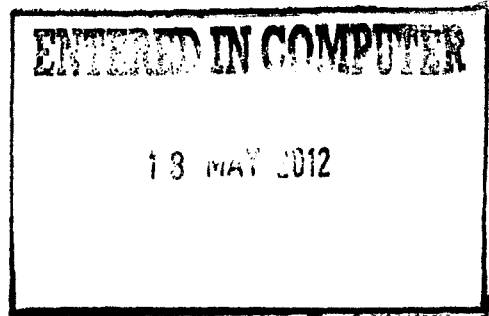
RECEIVED

18 MAY 2012

96 Angus Road,
Scone.
PH2 6RB

17th May 2012.

Nick Brian
Development Quality Manager
Pullar House
35 Kinnoull Street,
Perth.
PH1 5GD



Dear Mr Brian,

**Planning Application No 12/00628/IPL – Land 60 metres North
East of Old Church, Lawers**

I refer to the above application and wish to make objection.

The old village of Lawers sits in an area of great landscape beauty and also within a scheduled monument area.

The location for the erection of a 1 ½ storey house has been proposed to sit in between the two scheduled areas within the old village of Lawers and seemingly will “fit in” with the surrounding old houses and area.

The development of this house is wholly inappropriate for this location and **will impact** on an area between the two scheduled monuments of the old village.

Although, there is a grassland between the two parts of the village, the whole area, should be considered as one.

I notice from the planning application that reference has been made in respect of adopted road U184. As far as I am aware, there is no adopted road. Also, any of the old footpaths located around the village will be affected with this development and no doubt lost for all time.

To follow this up, the village has a considerable flow of foot traffic from those associated with heritage, relatives from those who lived in the village and also the “interested” visitor wanting to see and learn more of the old village.

I should imagine, that any new householder / developer, would not like to be “impinged upon” by a constant flow of visitors to the old ruins, passing there proposed dwelling.


To accommodate, this new dwelling, it would seem likely that trees would have to be cleared from the location, thus affecting the ambient and unique setting of the village.

It is an **important** and **unique site** should not be allowed to be desecrated for all time.

The old village of Lawers is saturated in history and tradition and I am frankly appalled that a Government organisation, such as Historic Scotland have not shown a vigorous objection to this application.

I object very strongly to this planning application

Yours faithfully

A black rectangular box redacting the signature of K. McGregor.

K. McGregor.

CB

The Breadalbane Heritage Society



Secretary

Margaret Gimblett



RECEIVED
18 MAY 2012

Croftcat Lodge
Grandtully
PH15 2QS

17 May 2012

Nick Brian
Development Quality Manager
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Dear Mr. Brian

Erection of a dwelling house (in principle) Land 60 Metres North East of Old Lawers for Mr and Mrs Reid, Ref: 12/00628/IPL

I am writing on behalf of the Breadalbane Heritage Society to object to the above application. Although the chosen location is not included in the two scheduled areas, it lies in the meadow that must have been an integral part of the village, and both halves of the settlement and the meadow must surely be considered as a whole.

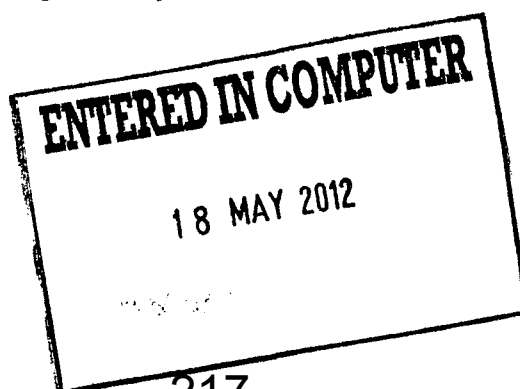
We cannot see how building a new house there - however sensitively designed - cannot but destroy the unique atmosphere of old Lawers village. The creation of a construction site there by itself will do irreparable harm.

Deserted villages and the shoreline of the loch are important in the heritage of Breadalbane and surely to tourism; combined as they are in old Lawers village, together with an important example of a seventeenth century church and laird's house, not to mention the legends of the Lady of Lawers, make it vital that the old village is not spoiled.

Yours faithfully,



Margaret Gimblett
Secretary, Breadalbane Heritage Society



Miss SUSAN GARDENER (Objects)**Comment submitted date: Thu 17 May 2012**

The proposed development is too close to a listed Ancient Monument. To introduce a dwelling house here will destroy Old Lawers Village as a deserted village; it will be incongruous with the ruins near by; it will destroy the integrity of the old village; it will bring with it the ancillary structures of modern life e.g. cars, power cables, satellite dishes also out of keeping with the area. The upgrade of the track would likely increase public access resulting in the need for turning and parking space; increase use of the area by fishermen and campers who can do considerable damage. This is a sensitive conservation site. It is important archaeologically & historically. It is regarded both locally and from abroad with respect and reverence due to its connection with "In Famed Breadalbane" by Rev. Gillies and the Lady of Lawers. It is a place of solitude and quiet which the presence of a modern house would destroy. Access to the ancient monument and graveyard would be through the applicants property. This is something of an iconic site and I regard building anywhere near it to be a sacrilege.

Mr Peter McDiarmid (Objects)

Comment submitted date: Thu 17 May 2012

We strongly object to this application, the old Lawers village is a site of historic importance, visitors come from near and far to look at the old buildings and visit the nearby graveyard. A modern house in the middle of the ruined village would be completely out of place and would detract from the historic value. Surely the old Lawers village should be conserved for it's heritage value.

Mr Ian Hitchins (Objects)

Comment submitted date: Fri 18 May 2012

There are some serious considerations to be addressed before the council would be able to grant any permission.

The most important ones are;

flooding - I was at the site yesterday and the 'tide' line of debris and leaves is sufficiently high that I would have concerns about flooding,

access to the old lawers graveyard and east old village does not appear to have been given enough consideration - residents at Ben Lawers Hotel enjoy visiting the old village and the graveyard, as do my family and I on a regular basis which would be ruined should we all be within somebody else's curtilage,

emergency vehicles - as there is no safe public parking at the top of the pier road or anywhere nearby, I ask where emergency vehicles would be expected to park in winter months when the pier road is unaccessable or washed away as it is most winters. The A827 at the top of the pier road is often single track with passing places throughout winter snow and without blocking the main road totally, there would be nowhere for an emergency vehicle to park. there would presumably need to be some provision for this,

the pier road does not have suitable safe access in both directions to the main road.

Should permission be granted, I would hope the council takes great care in consideration as to how sympathetically the following services can be provided - water supply, septic tank, electricity, phone, large satellite dishes for both satellite internet (necessary as broadband is not available at lawers) and digital TV (both dishes point in totally different directions and the satellite one would point directly toward the pier road and is a monstrosity). Also, the future development of the plot in terms of outbuildings, the complaints likely to be filed to Tayside Police on an almost daily basis in the fishing season due to the fires, debris and general dismay typically caused by 'fishers' on the lochside, refuse collection, road maintenance and winter gritting on the pier road, etc, etc. need serious consideration.

Further to the above, the permission to build a house in such an historic area is beyond comprehension. Should this be permitted, the planning authority will be setting a precedence for a similar development in other historic parts of Scotland. I ask, would this proposed development be allowed next to Scara Brae on the Orkney's?

3 Ardtrasgairt Cottages
Fortingall
Aberfeldy
Perthshire
PH15 2LN

Nick Brian
Development Quality Manager
Pullar House
35 Kinnoull Street,
PERTH
PH1 5GD

18 May 2012

Dear Mr Brian,

**Erection of a dwellinghouse (in principle) Land 60 Metres North East
Of Old Church Lawers for Mr And Mrs Reid, Ref No: 12/00628/IPL**

I appreciate the care which has gone into this application in principle to make a dwelling on this site. The main issues, however, have not been addressed.

- The site is as important to the people that know the stories of the struggles and quarrels of the Campbells and their tenants as the Homelands are to the indigenous peoples of the Americas. Even those of us who are not indigenous to here have our own homelands which make us sensitive to what is happening on Loch Tayside.
- The site is one of the few left to the people who search for the history of Scotland and its people with the atmosphere intact. The loch was the main thoroughfare and boats would cross and tie up at the jetties while carts would haul goods up to the farms on the hill.
- The house of the Lady of Lawers is one of the few remaining which has its tacksman's house proportions, while the church is likewise full of stories; the trees there are part of the the Lady of Lawers prophecies. Any intrusion apart from light footfall would be detrimental – roadmaking, heavy plant for building would shatter the remnants here. A completed modern house near the site would be anachronistic.
- And it would not stop at one: there are examples all over the area of one house being rebuilt, and then being surrounded by a development of houses from anywhere.
- Such a development would be detrimental to tourism; sustainable tourism is people exploring the place, and not just shops or cafes, as cycling is getting quietly from place to place where cars can't go. Not everyone has a million to spend on a country retreat and houses for investment purposes are death to communities.
- There is no mention of the provision of a water supply, septic tank

and run off, electricity and telephone lines. All would have an impact on the site. The telephone service is already inadequate for the district and present users find broadband abysmal.

- The lochside is filling up with 'dream dwellings' for the wealthy and there is no provision for walkers to get from one part of the shore to another without going back to the busy A827 – 3 red squirrels have been reported killed last week between Boreland Forest and Kenmore. Rather than develop old Lawers village as suggested, it would be better to develop right of way paths between one lochside spot and the others.

People love the stories and atmosphere of sites relating to their ancestors – the local church visitor books are full of the names of descendants of local people from America Australia, New Zealand, South Africa, while visitors from Europe and the Far East seek the genuine Scotland. I must object to this proposal as any such development would destroy this unique and important part of Loch Tayside.

Yours faithfully

Rosemary Hooper

(Chair, The James M Maclaren Society)

Mr Peter Ely (Objects)

Comment submitted date: Fri 18 May 2012

Perchance I came across this application. As a Resident of Kenmore I am fully aware of the disasters that can happen in a Conservation Area where inappropriate development and infilling is allowed.

This I consider inappropriate infilling. The Old village of Lawers has a unique atmosphere and is steeped in History and an important part of the Breadalbane Heritage

The development will in essence be an eyesore and be but a start that will eventually affect access to the site for tourist and locals alike.

I must confess I am surprised and dismayed that Historic Scotland is not objecting strongly to this application.

I strongly object to this application.

Ms Mairi Stewart (Objects)**Comment submitted date: Fri 18 May 2012**

I would like to object the outline application to build a house at Old Lawers village (12/0628/IPL).

The proposed development lies adjacent to nationally important scheduled sites, the integrity of which will be lost if a modern structure is built as proposed. Although the house site identified by the applicant's agent is said to lie outwith the boundary of the scheduled monument, on examination of the schedule plan, the proposed access appears to be within the scheduled monument boundary (west of the church). This not only means that the development has direct and adverse impact on the scheduled site, its amenity and conservation, but the proposed access also raises important implications for access to the old village and burial ground. In terms of access, most worryingly, the agent states that the applicant wishes to 'control access' to the scheduled sites. As someone whose family lived on Lochtayside, some of whom are buried in the graveyard, I would be very concerned that access to the burial ground would become 'controlled' by the applicant.

I have undertaken considerable historical research on Lochtayside, including as part of the Heritage Lottery funded 'Ben Lawers Historic Landscape Project and I am familiar with the results of this archaeological and historic research. I would therefore take issue with the appropriateness of the agent's approach to the proposed house design. The applicant's agent suggests that a '1 ? story dwelling is appropriate, which would emulate the ruins of the House of Lawers (an elite house), the church and the mill buildings within the village cluster. It is hardly appropriate to emulate an elite laird's house, a church or non-domestic buildings for a dwelling house. The agent then goes on to state 'the need to reflect the historic form of the existing structures and the creation of a modern take on the traditional Scots smallholding would be strongly favoured.' This, it is suggested would be 'a rectilinear footprint containing two or three bedrooms, probably at 1 ? storey.' Neither an elite house, church or an industrial building equate with the tenant homes of Lawers village, the so-called 'traditional Scots smallholding?', 'strongly' favoured by the applicant. The statement of support then suggests the house style that would be adopted would be the traditional 'butt and ben' or 'black house' architecture. However, neither of these forms of vernacular architecture is appropriate to Lochtayside. The former is a rather vague non-technical term for two rooms 'a kitchen and parlour' and the latter is associated with the Western Isles (as demonstrated by the photograph in the statement). The vernacular architecture of 17th and 18th century Lochtayside is entirely different and domestic houses would not have been 1 ? storey, would have been without stone chimneys and would probably be composed of turf and wattle, supported by crucks. The design precedents therefore advocated by the agent are inappropriate to the locality. (alternatively see, for example, mid 18th century Moirlannich longhouse at Killin).

All that said, Old Lawers village, the church and burial ground are nationally important for the very reason that this settlement is deserted and that is the way it should stay. It provides a place to find peace and an opportunity to sense the past and for reflection. It is for many a very special place because it is one of the few accessible places on the lochside where people can explore Lochtayside heritage, whether they are locals, visitors or people whose family roots lie deep within the place. A modern dwelling, however sensitively designed, would destroy the specialness of the place.

Miss Wilma Harrison (Objects)

Comment submitted date: Fri 18 May 2012

To The Planners

I write in reference to Planning Application 12/00628/IPL, which we see requests Outline Planning Permission for a ?dwelling house? near Old Lawers village, on what is known as the ?pier road?. Four separate members of our organization who are very familiar with the area and its history have expressed reservations to us about the idea of developing new dwellings at Old Lawers. The questions raised include: access to the site, including for emergency vehicles; inappropriate development of an ancient site both for protection of wildlife from the destruction of a lochside environment, and to preserve the tranquility of the region; and the precedence that granting a development could imply for future expansion and development at this sensitive site. Accordingly, the Loch Tay Association would like to register our objection to this proposed development.

Respectfully submitted,

Bill Oppenheim, Chairman
The Loch Tay Association



the National Trust
for Scotland
a place for everyone

SCANNED

ENTERED IN COMPUTER
21 MAY 2012

The Development Quality Manager
The Environment Service
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5DG

Our Ref: KM/

Date: Friday, May 18, 2012

Dear Sirs,

628
RE: Planning Application - 12/00624/IPL – Site at Old Lawers Village

It has been brought to my attention that the above planning permission application has been put forward. I would like to register the National Trust for Scotland's Objection to this planning application and ask that planning consent for this site is refused on the following grounds: -

1. The site appears to fall outwith the Policy 54 of the current development plan. However, should it fall within the area it is out of alignment with the requirements i.e.
 - a. The existing pattern of settlement is not reflected nor respected.
 - b. The site has a poor landscape and topographical setting.
 - c. The house has an unsafe access to the public road network.
 - d. Services are not currently available or capable of being provided
 - e. Full plans for the house are not available
2. The site is covered by a National Trust for Scotland Conservation Agreement due to it's historical archaeology and cultural significance.
3. The proposal is neither appropriate for the site due to the presence in the centre of the Scheduled Ancient Monument.
4. The property would be located on a site which has never previously been developed.

The National Institute for Statistical Science, National Center for Health Statistics, and the National Center for Human Genome Research are thanked for their support of this research.



the National Trust
for Scotland

a place for everyone

5. Disturbance of the Scheduled Ancient Monument would be required in order to construct the property and upgrade its access.
6. The development of the site would be highly visible from the loch and would not be of a character appropriate considering the adjacent ruins.
7. The development and improvement of the land would affect the biodiversity and conservation interest in the land.
8. The road access from the A827 is not suitable or safe, nor appropriate to allow development to take place.
9. The site is not included in the local development plan as a site suitable for housing.
10. There may be a loss of trees or tree cover which would affect the view from the loch.

Below is a brief history of the Lawers site written by our Head of Archaeology: -

The abandoned settlement of Lawers, or Milton of Lawers, dates back to the 15th century and there are likely to be earlier remains in the vicinity. It is the best preserved and most evocative of the three higher status settlement sites along the north side of Loch Tay (the others being at Edramucky and Carawhin). There would have been a major house here from at least the 16th century onwards and Sir James Campbell of Lawers died here in 1645 before the house, with much of North Loch Tayside, was burned by Montrose's troops. Although transferred to the Glenorchy Campbells in the late 17th century, there is still likely to have been a major house and settlement here in the late 17th century. It is mapped by Farquharson in 1769 and appears on subsequent plans and maps thereafter until it is finally shown as abandoned on the 2nd edition Ordnance Survey map in the 1890s. The majority of the ruins on the site probably date from the late 18th and early 19th century.

The site has been the subject of archaeological recording. In 1995-6 members of ACFA (the Association of Certificated Field Archaeologists from Glasgow University) undertook a detailed survey of the plans and elevations of many of the structures and an overview of the history of the site (MacInnes and Alexander 1998). This was then used as the basis for a condition survey of the ruins in 1999 and was the subject of some clearance of scrub vegetation as a result (Wordsworth 1999). Limited trial excavation was also undertaken as part of the pilot seasons of the Ben Lawers Historic Landscape Project (Atkinson 1997).

This project also undertook detailed documentary and oral tradition investigations which both highlighted the importance of the site at Old Lawers. Probably the most significant tradition is that according to references in existing archival records, the Lady of Lawers was a Stewart from Appin who married a member of the Campbell family in Breadalbane. She is said to have resided in a thatched, two-storey house in the old village of Lawers. Informants are normally not clear about the period of time in which she lived, which merely propounds her quasi-legendary status. She is notable for having made several prophecies concerning the fate of the Campbells in the Ben Lawers area.



the National Trust
for Scotland

1911-1912

The Village of Lawers is therefore of considerable national significance both from its architectural and archaeological remains and also for both its historical and traditional associations. Indeed the ruinous state of the remains are incredibly atmospheric and are representative of the abandonment of many of the loch side settlements that disappeared throughout the 19th century. It was for these reasons that the National Trust for Scotland set up a Conservation Agreement over the area. Any modern building and upgraded access tracks within this area would have a major negative impact on the setting and atmosphere of the site and as the Trust's Head of Archaeological Services I am against the proposed development.

The NTS also reserves the right to add to this objection as further information is made available. Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

Kenneth Morton
Land Agent

CHURCH OF SCOTLAND

FORTINGALL AND GLENLYON L/W KENMORE AND LAWERS

Minister: Rev Anne Brennan BSc BD MTh

The Manse
Balnaskeag
Kenmore
Aberfeldy
Perthshire
PH15 2HB

Nick Brian
Development Quality Manager
Pullar House
35 Kinnoull Street,
Perth.
PH1 5GD

Dear Mr Brian,

**Planning Application No 12/00628/IPL – Land 60 metres North
East of Old Church, Lawers**

I refer to the above application and wish to make objection.

The old village of Lawers sits in an area of great landscape beauty and also within a scheduled monument area. It is also has a very important place in the history and folklore of Loch Tayside with its association with the Campbells of Lawers, and the 'Lady of Lawers'.

Although the remains of the village proper and the church and lairds house are separated by a stretch of 'grassland', that very separation is an important part of the understanding of how such villages 'worked' and what life was like. Just because there are no scheduled 'ruins' does not mean that the part of the site where it is proposed that the house be built is not an important part of the whole.

The old village of Lawers is a place which attracts a great number of tourists, particularly those researching their heritage, an area of tourism that I believe Perth and Kinross is keen to promote, and any modern development at that spot would adversely affect this. In addition, many people, local and visitors, go there for a sense of peace and tranquillity, and closer access to the loch – access to the lochside being difficult along much of the north side of Loch Tay- and any development of the site would be detrimental to this access, particularly if 'curtilage' is claimed around the proposed building.

In short, this proposal is particularly inappropriate, in a particularly inappropriate situation, causing great distress to many people, and I very strongly object to this planning application.

Yours faithfully

Anne Brennan

Kenmore and Lawers Church of Scotland

Charity no. 006260

Fortingall and Glenlyon Church of Scotland

Charity no. SC00331

Historic Scotland

Comment Date: Wed 24 Oct 2012

The proposed development site shares its northern and southern boundaries with the deserted village of Old Lawers, which is recognised as being of national importance and designated as a scheduled monument under the Ancient Monuments and Archaeological Area Act 1979, where it is known as 'SM 6280 Old Lawers Village, deserted settlement, Lawers Acres'.

Old Lawers Village comprises the remains of a deserted village represented by a series of well-preserved stone buildings of 17th-century and later date. These buildings include the House of Lawers (built over the remains of an earlier house in 1645), the former Lawers church (1669) and two mills. Other, less well preserved buildings of more modest construction are also visible. It is likely that the remains of even earlier buildings will be present under and around the upstanding remains.

The scheduled monument is in three parts; the southern contains the House of Lawers and the Old Lawers Church, and is separated by a defined 'infield' from the central and northern parts which contain mills and lesser status buildings that cluster around the Lawers Burn. An important element of the setting of the monument is its lack of modern development; the morphology and development history of the village are capable of being understood, as is the undeveloped 'infield' between the southern and central parts of the village.

abcde abc abcdefgh www.historic-scotland.gov.uk

The proposed development site comprises the 'infield' between the southern and central parts of the scheduled monument, as well as a strip of land covering the access track to the site that runs through the southern part of the scheduled area. It is likely that any modern development within the 'infield' will have an impact upon the setting of the scheduled monument, as it introduces a built structure into an area of ground that had deliberately been kept undeveloped. However, we feel that the proposed location and scale of the dwellinghouse is such that it will still allow the 'infield' to remain capable of being understood, especially if formal garden ground and detached ancillary buildings are not proposed. We recognise that the morphology of Old Lawers Village has been taken into account when considering the size and orientation of the proposed dwellinghouse. Given the above, Historic Scotland has does not object to this application.

However, you should be aware that any works within the scheduled area require the prior written consent of Scottish Ministers, a process known as scheduled monument consent (SMC). This process is separate to any planning consents and one is without prejudice to the other. The upgrading of the access track where it runs through the scheduled area will require SMC, and the principle of this is something we have discussed with the applicant. Any new services needed as a result of this planning application should be routed so as to avoid the scheduled area.

In addition, given the proximity of the proposed dwellinghouse to the scheduled monument and also the direct impact of upgrading works to the access track, we will likely wish to comment further on any reserved matters application that may be forthcoming in due course.

Please note that our comments relate only to scheduled monuments.

Local Flood Prevention Authority

Comment Date: Wed 24 Oct 2012

LFPA objects. SPP states in paragraph 202 that a precautionary approach should be used when considering flood risk for planning applications. There is currently insufficient evidence that the proposed development should not be considered as being in an area of 'medium to high risk' flood risk as indicated by the 1/200 year outline shown on SEPA's indicative River and Coastal Flood Map (Scotland), and therefore we object.

Perth And Kinross Area Archaeologist

Comment Date: Wed 24 Oct 2012

I can confirm that the proposed developed site has archaeologically potential. Old Lawers Village is a nationally important archaeological site and as such is designated as a Scheduled Monument (6280). The monument comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and is likely to contain buried archaeology dating to earlier periods.

The above development is proposed to be located directly adjacent to Old Lawers Village. While the proposed development will impact on the setting of the deserted settlement, the proposed siting of the development and the presence of mature trees surrounding the site will lessen the impact of the development on the setting of Old Lawers Village.

Archaeological remains associated with Old Lawers Village may be disturbed by the proposed development. To ensure the recording of any archaeological deposits associated with Old Lawers Village it is recommended that an archaeological evaluation be carried out to determine whether any archaeological deposits survive and to assess their nature and extent prior to development. The results of this assessment can then be used to develop a strategy for preservation of any surviving remains, either in situ or by record.

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. It is recommended that an archaeological condition is attached to any permission granted.

Conservation Team

Comment Date: Wed 24 Oct 2012

The development site is clearly visible from the Old Lawers Church and thus will have an impact on the setting of the listed building. The development will also have an impact on the setting of the scheduled monument as it introduces a building into a field which historically was always kept undeveloped. This field is an integral part of the original morphology of the village and it is important to preserve the "sense of place" which defines the setting of an historic asset. The reading of the historical layout of the area should not be diluted.

The architectural supporting statement indicates that the dwelling-house design would be a traditional 'but and ben' or 'blackhouse' styling, but would be 'translated into 21st Century internal spatial flexibility and modern day construction techniques'. It is also suggested that the new dwelling will probably be one and a half storey in height. A one and a half storey house built to modern standards would be significantly higher than a traditional but and ben or blackhouse.

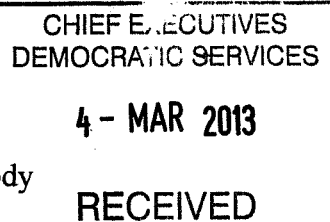
Under 'site, setting and context' the statement suggests that 'little or no formal landscaping or ancillary accommodation buildings, such as sheds or detached garaging could be provided which would affect the context of the adjacent ruins and could visually impact the sites in a negative manner'. However, the laying out of a formal garden area would not necessarily come under planning control.

Despite the design and mitigation measures suggested in the supporting statement I have serious concerns about the visual impact of a dwellinghouse in this location. As well as the impact of the dwellinghouse itself there would also be additional visual impact resulting from any terracing or excavation on this sloping site, the access road and driveway, services and any formal landscaping or garden layout.

There is also the impact on the historical character of the area. The effect of the development on the qualities of the existing setting of the old village, namely the evocation of the historical past and sense of place, would in my view be irreparably damaged.

Consequently the Business and Community Projects (Conservation) Section objects to this proposed development.

Gillian Taylor
 Clerk to the Local Review Board
 Perth and Kinross Local Review Body
 2 High Street,
 Perth
 PH1 5PH



96 Angus Road,
 Scone.
 Perth
 PH2 6RB

3rd March 2013

Dear Ms Taylor,

Town & Country Planning Scotland Act 1997

The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008.

Application Ref – 12/00628/IPL - Erection of a dwelling house (in principle) on land 60 metres north east of Old Church Lawers – Mr and Mrs W Reid

I refer to your letter dated 22nd February 2013 and previous correspondence from myself, dated 17th May 2012 in respect of Planning Application Reference 12/00628/IPL- Erection of a dwelling house (in principle) on land 60 metres north east of Old Church Lawers

I wish to make further comment on this application.

First of all I note that since this application was first refused by the Planning Department, that various correspondence from PKC Conservation Officer, PKHT National Trust and other noted authorities **was not made available** in the public domain for other interested parties to peruse.

I note the contents of the report from Historic Scotland and wish to clarify whether any representatives from Historic Scotland **actually visited the site of the Old Village of Lawers and when this visitation took place, or whether their views was purely based on “historical documentation”?** No mention of a site visit is made in their report dated 3rd May 2012, although reference is made by the applicant in his comments.

If this is the case, that no visitation has been made to this particular site by representatives of Historic Scotland, then I think that redress of their report is required in respect of there “no objection” to this planning application.

It would appear from the comment made by Oliver Lewis from Historic Scotland in his report (“We recognise that the morphology of Old Lawers Village has been taken into account when considering **the size and orientation of the propped dwelling house**”) that perhaps **detailed plans, showing the designs of the proposed dwelling have been made available to Historic Scotland and other such regulatory authorities.**

If this was the case, why were those detailed plans not made available to members of the public to make comment?

The one design submitted by the applicants architect in relation to this proposed dwelling, can at best, be described as a basic drawing of what could only be interpreted as a “box” meant to portray a dwelling house “plonked” on an area of land within the ruins of the old village, and what one could interpret as being deciduous trees, pencilled into the background, does not give any indication to the size, type, style or character of the proposed dwelling house.

Where are the proper designs drawn up and detailed information on this proposed dwelling house including measurements and exact location etc?

This is an important planning application which requires detailed scrutiny and thought by those designated to protect such an important ancient scheduled monument site.

In my opinion the report submitted by Historic Scotland is an extremely basic and lacklustre report by a Government organisation set up to protect the Heritage of Scotland. Although noting the Old Village of Lawers as being of significant national importance and a scheduled monument site and referring that the development will have an impact on the ancient settlement, they still have no objection!

This now brings me on to the comment made by Sarah Malone from PKHT. It could perhaps be inferred from the comments of this report that the archaeology aspect of the Old Village of Lawers is of more significance to PKHT than the actual proposed planning application.

I again pose the question **did Sarah Malone or representatives from PKHT actually visit the site** or were her comments in her report also based on “historical knowledge” held with PKHT

I found her report at the least, to be appalling and extremely scant in information and detail, more so when such an important and ancient scheduled monument site is at risk of destruction.

Once any construction of any building on this site commences, it impacts and destroys the landscape for evermore.

Ms Malone comments that the development will “impact” on the deserted village but the presence of mature trees will diminish the impact.

Dare I say, that **deciduous trees lose their leaves for almost 6 months of the year** from late autumn through to early spring, so for this fact alone, it can be inferred that there will be significant impact on the landscape and character of the Old Village of Lawers.

I note that Ms Malone omitted to sign her report. Was this report seen and sanctioned by David Strachan, the Head of Department of Perth and Kinross Heritage Trust?

The reports submitted by Richard Welch, Conservation Officer and the National Trust for Scotland are self explanatory.

I now note the report and comments made by the applicants in this case.

Mr Reid makes very apparent reference to his credentials in respect of being a Fellow of Society of Antiquaries, a member of the Architectural Heritage Society of Scotland, and his passion for the history of Scotland and other such Scottish interests.

I have no doubt that Mr and Mrs Reid do have an admiral passion for Scotland and Highland Perthshire – all objectors to this application do, but because one has a passion or is a member of an noted society, does not necessarily give one the qualifications to propose to build a dwelling house in what can be perceived an “idealistic” and “sanctified” location.

Mentioned is made, that if permission was granted for the proposed dwelling house, the applicants would work closely with Historic Scotland and The National Trust for Scotland to remove saplings and scrub from the old buildings at Lawers. The open masonry walls on the buildings would be secured against the weather elements “probably with turf”. If turf was not used as a means of protection, what other natural element would be used to safeguard the buildings?

In his report dated 29th May 2012, Mr Reid makes reference to agreements with The National Trust for Scotland and working closely with them to safe guard the ruins.

Perhaps he has overlooked the fact that in the report **dated 18th May 2012** submitted by Kenneth Morton, Land Agent and also the Head of Archaeological Services with **The National Trust for Scotland has emphatically objected to this proposed planning application**, detailing the various grounds for refusal.

Mr Morton further elaborates in his report that the old village of Lawers is the “best preserved and most evocative of the three higher status settlements along the north side of Loch Tay.”

He further state “The village of Lawers is therefore of considerable national significance both from its architectural and archaeological remains and also for its historical and traditional associations. Indeed, the ruinous state of the remains are incredibly atmospheric and are representative of the abandonment of many of the loch side settlements that disappeared throughout the 19th century. It was for these reasons that the National Trust for Scotland set up a Conservation Agreement on the area. Any modern building and upgraded access tracks within the area **would have a major negative impact on the setting and atmosphere of the site.**”

I hope that the Local Review Board when considering this proposed application take into cognisance all the relevant facts by the delegated authoritative bodies in particular those that have given a fuller indepth report on the Old Village of Lawers.

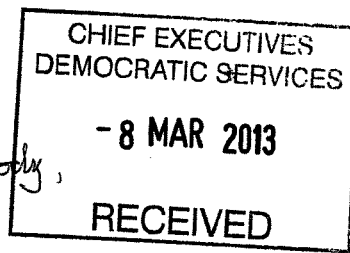
I wish to have my objection noted to this proposed application.

Yours Sincerely


K.McGregor.

2022 26 Stell Park Road,

Ms Gillian A. Taylor,
Chair to Local Review Body,
2 High Street,
Perth



Burnham,
Dunheld,
PH80QA
4/3/13

Planning Application No. 12/00628/1PL

Dear Madam,

I reiterate my previous objections to the erection of a dwellinghouse in the old village of Lawers. Now, having noted all the points in which the erection of such a building would contravene the Highland Area Local Plan 2000 and in view of the considerable local disturbance that would be caused by bringing in building materials and services, I feel ^{even} more strongly that Planning Permission should not be granted.

I am surprised that in the circumstances, the applicants have asked for a review.

Yours faithfully

 (Pr.)

Morag MacMartin

CHX Planning Local Review Body - Generic Email Account

From: Amy McDiarmid [REDACTED]
Sent: 04 March 2013 16:56
To: CHX Planning Local Review Body - Generic Email Account
Subject: Further representation to Case TCP/11/16(229)

To Whom it may concern,

I would like to make a further representation in relation to the planning application 12/00628/IPL (local review case TCP/11/16(229)).

The applicant's promise of conservation and preservation of the ruins should **NOT** be used as a bargaining tool in order to gain permission to build a house on an historically important site. The applicant has stated that they are committed to preserving the ruins of the old village and **should** be able to carry this out without the need to build on this site.

The fact still remains, that a house in this position would irreparably damage the atmosphere and the morphology of the site.

Also, although not part of the application site, the Graveyard (accessed by a bridge over the burn which forms the boundary of application site) is of significant importance to both local residents and relatives abroad who have loved ones buried here. The Graveyard is **only** accessed through the proposed dwelling site, so would cut off the access or at best access would need to be made in front of or directly behind the proposed house. Traditionally, this site was always left undeveloped while still being an integral part of the site, allowing building here would effectively cut the village two and hinder access to the other half, including the Graveyard.

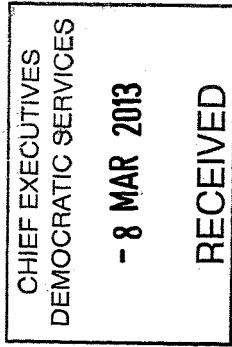
There is absolutely **NO** reason why the applicant cannot implement all the conservation/preservation actions they intend to, without building a house here.

Please refuse this application.

Yours Sincerely,

Amy McDiarmid
 Ben Lawers Farm
 Lawers
 Aberfeldy
 Perthshire
 PH15 2PA

SHENLARCH,
LAWERS,
ABERDEEN.
PH 15 2NZ.
05.03-2013.



PERTH and KINROSS
LOCAL REVIEW BODY
Clerk - Gillian Taylor 24 HES ST, PERTH
Dear Ms Taylor,
TOWN & COUNTRY PLANNING (SCOTLAND) ACT
Application Number 12/00628/1 PL.

255

I am appalled to read that the Council's decision to refuse the above application has been questioned and is being reviewed.

The Development Quality Manager has clearly stated in detail the reasons for the refusal and it is abundantly clear that the erection of a building in this unique environment would have a detrimental effect on the amenity of this area.

In the 7 sentences the reasons are clearly stated and how anyone could doubt the reasoning is bewildering. It is a perfectly reasoned argument for the refusal and it should be accepted.

I commend the Council for the professional manner in which they have handled this application and urge them to stand firm and reject any attempts to alter the decision.

Yours sincerely,

Elizabeth McDiarmid

West Ardtrasgairt Cottage
Fortingall
Aberfeldy
Perthshire
PH15 2LN

Gillian A Taylor
Clerk to the Local Review Body
Perth & Kinross Council
2 High Street,
PERTH. PH1 5PH

Your Ref: TCP/11/16 (229)

March 6, 2013

Dear Ms Taylor

Town & Country Planning (Scotland) Act 1997 The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008 Application Ref: 12/00628/IPL – Erection of a dwellinghouse (in principle) on land 60 metres north east of Old Church Lawers – Mr and Mrs W Reid

Thank you for letting me know that the decision to reject the application for planning permission for the site at old Lawers village is being appealed. I, of course, wish my previous objections to stand.

I have noted the points made by the applicants in their response to objectors' comments but I do not understand how their interest in preserving and improving this historic site can be furthered by building a residential house in such an important and sensitive location.

If they want to build something to improve the experience of visitors to the site, such as a reconstruction of a local seventeenth century dwelling, it should be done well away from the existing ruins and definitely not in the infield. Somewhere to the west of the path down from the main road, at a good distance from the village itself, might be suitable.

As R L Stevenson used to say, it is important to appreciate the 'genus loci' – the 'spirit of the place'. So many local people and visitors do appreciate the 'spirit' of old Lawers and have lodged their objections to the application that I would find it inconceivable for the original decision to be overturned.

Yours faithfully

Neil S Hooper MA MSc

(Chair, Breadalbane Heritage Society)

CHX Planning Local Review Body - Generic Email Account

From: [REDACTED]
Sent: 06 March 2013 20:24
To: CHX Planning Local Review Body - Generic Email Account
Subject: Review of 12/00628/IPL

To: Gillian A Taylor
Clerk to the Local Review Body
Perth & Kinross
Council

From: Rosemary Hooper
3 Ardtrasgairt Cottages
Fortingall

Aberfeldy
PH15 2LN

Subject: TCP/11/16 (229)
Town & Country Planning
(Scotland) Act 1997 The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008 Application Ref:
12/00628/IPL - Erection of a dwellinghouse (in principle) on land 60 metres north east of Old Church Lawers - Mr and Mrs W Reid

Dear Ms
Taylor

Thank you for your letter of 22 February about the above application. I was pleased to see that the planning department had refused this application and had so thoroughly considered all the points. I hope that the review will not overturn that decision.

It is clear from so many of the responses that old Lawers village holds a very special importance for both locals and visitors. The sense of place that one experiences visiting the site is exceptional, and must not be destroyed. It seems the applicants do appreciate that, but I am afraid I cannot see how a new building there can do anything but detract from the atmosphere, not to mention the fact that the ancillary works would completely ruin the place.

There are very few places where access to the lochside is easy for visitors, and if there were to be an actual residence built there, access would become even more restricted, even if the current applicants do wish to encourage visitors. Ideally I think we should be developing a footpath around most of the shore of Loch Tay where practical, and old Lawers village would be an important stage. As part of the Fortingall Roots project we are participating in developing pilgrimage routes from Iona and the west to St Andrews and the east, and one of these routes passes along by Lawers. We hope to encourage 'pilgrims' to divert from the main road to see the old kirk of Lawers. It would be terrible if we had to advertise that the lochside setting "used to have a very special atmosphere, now unfortunately destroyed by a new building"

Yours
faithfully

Rosemary Hooper

Chair,
The James M MacLaren Society

Prospect House
Home Street
Aberfeldy
PH15 2AJ

Gillian Taylor
Clerk
Perth and Kinross Local Review Body
2 High Street
PERTH PH1 5PH

Your ref: TCP/11/16 (229)

7 March 2013

Dear Gillian Taylor

Application Ref: 12/00628/IPL – Erection of a dwellinghouse (in principle) on land 60 metres north east of Old Church Lawers – Mr and Mrs W Reid

I write to express my continuing objection to the above planning application.

By appealing the Council's decision, the applicant is showing a clear disregard for the views of the many interested people who objected, and in particular to the local community.

The agent states: *'The applicant is not an anonymous property developer who is seeking to progress the most economically attractive outcome possible. Rather, the applicant is an avid historian who acquired this land (which includes the 2 main portions of the Scheduled Ancient Monuments) because of an inherent desire to help preserve Scotland's cultural heritage. The applicant is a Fellow of the Society of Antiquaries of Scotland and of the Architectural Heritage Society of Scotland. He is also a historian who has had a number of his history books published commercially.'*

The agent is being disingenuous. The applicant is not a Scottish historian, but has published books on 20th century military history. The applicant is, in fact, a solicitor, who describes himself as a **'property developer'**, specialising in 'investment in commercial and residential property and land'. (<http://uk.linkedin.com/pub/walter-reid/30/4a6/8bb>). He may well wish to build this house as a personal holiday home, but given that his publisher also states that he 'spends part of the year in France' and also farms in Argyll and Inverness-shire, it is unlikely that he will spend much time in the house and given his expertise in property development, may well see this as an investment opportunity.

The agent emphasises that both Historic Scotland and NTS have not objected. In fact, as the Council is aware, NTS made a strong objection, which can be viewed online. Historic Scotland may not have formally objected, but they did state: *'It is likely that any modern development within the 'infield' will have an impact upon the setting of the scheduled monument, as it introduces a built structure into an area of ground that had deliberately been kept undeveloped.'* There is a clear view from these expert

bodies that the development will have an impact on a site which has been 'deliberately kept undeveloped'.

The agent also states: *'This application represents a unique set of circumstances which suggests a need for a pragmatic approach to consideration of the proposals. The reality of the situation is that if the application is granted the ancient monuments that compose the Old Village will be retained for the future as part of our national heritage, conserved in accordance with the directions of Historic Scotland.'*

Indeed, this is a unique site, which does not need pragmatism, but instead a highly sensitive approach to a very special site. The offer of retaining the scheduled site and conserving it is a red herring. The owner cannot destroy it and if he truly has *an inherent desire to help preserve Scotland's cultural heritage*, then he would not wish to build a modern house in this special setting, rather he might unconditionally offer to work with NTS and Historic Scotland to secure the site for the nation.

The development will seriously affect the integrity of Old Lawers Village and the outline design principles demonstrate a complete lack of understanding of Scottish vernacular architecture.

Finally, I would like to suggest that by appealing such a well-founded decision, the applicant is demonstrating a complete disregard for the people who live and work in the locality. The overwhelming feeling within the local community is opposition to this development. I believe the Council should support those who live and work in the area and those who have expressed a strong affinity with the site. If the development goes ahead, the result will be an architect-designed modern building, fundamentally impacting on the integrity of the site (see my previous objection), which will remain empty for much of the year; isolated and resented. If it is indeed to become one of the applicant's holiday homes, then it will be occupied on occasion by people, who have demonstrated a complete disregard for their neighbours. This is hardly a development to be welcomed and I hope that the local appeal committee will uphold the decision of the Council.

Yours sincerely

Mairi Stewart

CHX Planning Local Review Body - Generic Email Account

From: IAN MCGREGOR [REDACTED]
Sent: 07 March 2013 17:14
To: CHX Planning Local Review Body - Generic Email Account
Subject: Fw: Planning Application Ref 12/00628/IPL

Dear Sir,

With reference to your emailed letter of 22nd February concerning the the application for a dwellinghouse at the old Lawers Village I have the following comments.

The views I expressed in my letter of May 2012 are unchanged. I still consider that the present or any modified future application for housing development within the old Lawers Village should be refused.

Dr Ian McGregor
Silcroft
Fearnan
Aberfeldy PH15 2PF

CHX Planning Local Review Body - Generic Email Account

From: Sue Gardener [REDACTED]
Sent: 07 March 2013 19:10
To: CHX Planning Local Review Body - Generic Email Account
Subject: TCP/11/16(229) - Land 60 metres north east of Old Church Lawers

Thank you for informing us of this appeal and giving us the opportunity to comment further. Glen Lyon & Loch Tay CC objected to the original proposal 12/00628/IPL and we stand by those objections considering the decision to refuse the application for the reasons stated to be a sound decision.

Susan Gardener - chair Glen Lyon & Loch Tay CC (Cala Sona: Fearnan:PH15 2PG)



the National Trust
for Scotland

a place for everyone

Ms Gillian A Taylor
Clerk
Perth & Kinross Local Review Body
2 High Street
Perth
PH1 5PH

Our Ref: KM/CA

Date: Friday, March 08, 2013

Dear Ms Taylor,

RE: 12/00628/IPL – Erection of a Dwelling House Old Lawers

I can confirm on behalf of the National Trust for Scotland (NTS) that the NTS stands by its original representations of the 18th May 2012 and that the NTS also fully support the refusal of planning permission by Perth & Kinross Council as per their notification of the 21st November 2012 and their justifications for doing so.

The NTS have now had the opportunity to review the appeal documentation and wish to have the following points noted by the Local Review Body: -

1. The National Trust for Scotland lodged an objection to the planning application on the 18th of May 2012 (and uploaded onto computer as of the 21st May 2012) detailing the reasons why the NTS objected to the proposed development and this was accepted by Perth and Kinross Council as a valid objection.
2. The appellant has in a number of places in the appeal documentation stated that the NTS did not respond or object to the planning application (para 2.3, 5.11, 6.8, 6.9 etc), which, as per point 1, is incorrect.

the National Trust for Scotland, Greenbank House, Flenders Road, Clarkston, Glasgow G76 8RB

Tel: 0844 493 2134, Fax: 0844 493 2200, email: information@nts.org.uk, www.nts.org.uk

The National Trust for Scotland is Scotland's leading conservation charity. The Trust protects Scotland's most important historic buildings, collections, gardens and wild habitats.

In carrying out its work the Trust is dependent upon the support of its members, volunteers and the general public.

The National Trust for Scotland for Places of Historic Interest or Natural Beauty is a charity registered in Scotland. Charity number SC 007410.

Patron - HRH The Prince Charles, Duke of Rothesay KG KT GCB OM, President - Earl of Lindsay, DL, Chairman - Professor Sir Kenneth Calman, KCB, DL, FRSE
Chief Executive - Kate Mavor. Registered Office - Hermiston Quay, 5 Cultins Road, Edinburgh, EH11 4DF. Telephone 0844 493 2100 Fax 0844 493 2102



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3. The appellant in their supporting documentation (letter from appellant to PKC dated 29th May 2012) has not mentioned the objection from the National Trust for Scotland.
4. The appellant has not discussed any design issues or site impact issues with the NTS before submitting the planning application.
5. The appellant has not fulfilled their obligations under the Conservation Agreement which covers the property as explained below.

Conservation Agreements

I attach a copy of the original Conservation Agreement (CA) which covers the site of the proposed development. A CA is initially a personal agreement between the owner of land and the NTS, whereby the owner voluntarily wishes to protect the land from future inappropriate use. Upon transfer (or sale) of the land the conditions of the CA are added to the title of the land creating a legal burden which binds any successor owners as to the use or development of the land. The NTS currently has approximately 450 CAs throughout Scotland ranging from protection of individual croft houses to mansions (Kinross House) to landscape protection (the valley in which Gatehouse of Fleet sits).

I wish to draw the Local Review Body's attention to the following conditions within the CA: -

1. Paragraph 2(1) does not permit use of the site for anything other than amenity use and for the land to be maintained in its condition as when the CA was entered into – it is the NTS position that a house development would injure the site and therefore the NTS would withhold its consent.
2. Paragraph 2(2) does not permit erections or buildings of any type without the explicit consent of the NTS and that they be used for the amenity of the site or any other approved use by the NTS - the NTS would not consider the erection of a dwelling house to be a suitable use or that it would benefit the amenity of the site and therefore the NTS would withhold its consent.
3. Paragraph 2(3) does not permit any new use (residential) of the site from the date of the CA and reinforces the previous two paragraphs.
4. Paragraph 2(4) deals with the approval process of any works required to trees within the CA



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5. Paragraph 2(6) states that the NTS must be notified immediately of any developments or proposed developments within the area of the CA. This was not carried out prior to submitting of the planning application.
6. Paragraph 2(7) states that the NTS must be informed of a change of ownership of the site, prior to it taking place. This was not carried out.

The NTS does not accept that the proposed development at Old Lawers can be done in a manner which does not prejudice the amenity and enjoyment of the existing site (including the adjacent Scheduled Ancient Monuments) and that we would refuse consent under the Conservation Agreement were the NTS to be formally approached for building consent by the appellant based on the planning application submitted to Perth and Kinross Council and the subject of this appeal.

Should the Local Review Body wish further information, clarification or comment from the National Trust for Scotland, please do not hesitate to contact me.

Yours sincerely,

Kenneth Morton
Land Agent

PASS TO	COPY TO
THEN DEED CUPBOARD	

Ben Lawers Orange

(new file.)

CONSERVATION AGREEMENT

between

MISS JANET MARTIN MEIKLE and OTHERS
as Trustees for Machulm Farm Company

and

THE NATIONAL TRUST FOR SCOTLAND

V1(a)-48

1983

Subjects:- Part of Land at Lawers Burn,
Killin, Perthshire.

MacLay Murray & Spens,
Solicitors,
Glasgow G2 2LA.


IMS/BAB/60336-6

AGREEMENT between MISS JANET MARTIN MEIKLE, MISS ISOBEL SAUNDERS MEIKLE, MISS AGNES CONNELL MEIKLE, all residing at Seaview, Twenty one Edington Place, Dysart, Fife, and MRS. MARGARET MEIKLE or EWEN, residing at Eighteen Anderson Drive, Aberdeen, the Partners of and Trustees for the firm of Mac Farm Company, having a place of business at Seaview aforesaid, (who, together with their successors in title to the subjects hereinafter described are hereinafter referred to as "the Proprietors") and THE NATIONAL TRUST FOR SCOTLAND FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY, incorporated by The National Trust for Scotland Order Confirmation Acts 1935-73 (hereinafter referred to as "the Trust") WHEREAS (One) the Proprietors are heritable Proprietors of the subjects hereinafter described AND WHEREAS the Proprietors are desirous that for the maintenance and enhancement of the beauty and amenity of the countryside for the benefit of the nation that the said subjects should remain forever unbuilt on except as hereinafter mentioned, should be conserved in their condition as at the date of granting of these presents, (Two) the Trust is by Section Seven of The National Trust for Scotland Order 1938 as confirmed by The National Trust for Scotland Order Confirmation Act 1938 empowered to enter into Agreements now known as Conservation Agreements with the owners of heritable subjects whereby real conditions are created upon the said subjects in favour of the Trust and (Three) the Proprietors have therefore agreed with the Trust that the conditions aftermentioned shall be imposed upon the said subjects and shall be real conditions thereon; NOW THIS DEED made under and by virtue of the said Order as confirmed by the said The National Trust for Scotland Order Confirmation Act 1938 WITNESSETH and IT IS HEREBY AGREED as follows:-

FIRST The Proprietors provide and declare that the subjects after described shall be burdened in favour of the Trust with the real conditions after written, videlicet:- ALL and WHOLE that area of ground part of the Estate of Ben/

Ben Lawers in the Parish of Kenmore and County of Perth extending to Seven acres and Sixty seven hundredth or decimal parts of an acre (7.67 acres) or thereby Imperial Standard Measure shown outlined in red on the plan annexed and signed as relative hereto, which area of ground forms part and portion of those several areas of ground more particularly described (In the Second Place) (In the Third Place) and (In the Fourth Place) in and disposed by and shown delineated and coloured respectively red, green and blue on the Ordnance Survey Sheet annexed and signed as relative to Disposition by Walter Hughes in favour of John Archibald Anderson McLellan dated Fifteenth and recorded in the Division of the General Register of Sasines applicable to the County of Perth on the Thirtieth both days of June Nineteen hundred and fifty one; Declaring that where the said subjects are bordered by the stream known as Lawers Burn, the boundary of the subjects hereby burdened is the centre line of the said stream;

SECOND The real conditions referred to in the foregoing Clause are as follows, videlicet:--

- 
- (1) The said subjects are to remain in their present condition as grassland woodland and the site of the old Lawers Village and shall be used as amenity ground only and for no other use or purpose whatsoever without the approval of the Trust Declaring that the Trust will only withhold approval if in their opinion the amenity of the conservation area appears likely to be injured or spoilt in any way, directly or indirectly.
 - (2) No buildings or other erections including electric pylons, overhead high tension cables or telegraph poles shall be placed or erected on the said subjects except where the Trust has given its approval to allow buildings or other erections which may be necessary either in connection with the Proprietors' use of the subjects as amenity ground or in connection with such other use as has been approved by the Trust as aforesaid All such buildings or erections specified in the latter exception shall as regards inter alia their site, plans, architectural/

WJH

architectural design, dimensions, method and material of construction including colour scheme and all outside painting, be subject to the approval of the Trust.

(3) Save as beforementioned and after the execution of these presents no new work or thing shall be carried on or anything being carried on be extended or anything done or placed or permitted to remain in, upon, under or over the said subjects or removed from them which in the opinion of the Trust would tend to injure, prejudice or affect or destroy the present aspect or amenity of the said subjects or prejudice the scenic beauty and amenity of the District. In particular and without prejudice to the foregoing generality no part of the subjects shall be ploughed without prior consultation with The Nature Conservancy Council established by The Nature Conservancy Council Act 1973 and having its Scottish Headquarters at Twelve Hope Terrace, Edinburgh, and the consent of the Trust.

(4) No growing timber or trees shall be felled, lopped, topped or cut in any way without prior consultation with the said Nature Conservancy Council and the consent of the Trust. On such consent being given by the Trust felling, lopping, topping or cutting shall be carried out in accordance with the usual methods of good forestry. Dangerous limbs or trees as well as branches overhanging fields and interfering with agriculture may be cut or lopped without express consent after notifying the Trust of the Proprietors' intention to do so DECLARING that notwithstanding the terms of this Agreement the Proprietors shall remain fully liable for all third party claims in respect of said timber or trees and should arrange for a regular inspection of the trees being carried out and notify the Trust of any trees which should be cut. Where trees are cut the Proprietors shall be bound to plant new trees in place thereof.

(5) The Proprietors shall have no claim against the Trust for injury or damage claimed by Third Parties or claimed by themselves caused by or arising from anything on or about the said subjects.

(6) The Proprietors will be bound to notify the Trust immediately they are aware of any developments or proposed developments by any person or body which might prejudice the beauty and amenity of the subjects or any part thereof.

(7)/

(7) The Proprietors will advise the Trust of any proposed change of ownership of the said subjects or any part thereof before concluding Missives for any sale.

THIRD The foregoing real conditions and exceptions shall be inserted or validly referred to in all future transmissions of the said subjects or parts thereof.

FOURTH If any dispute or difference shall arise between the Proprietors and the Trust as to the construction of this Agreement (or the effect of the said real conditions or any of them or as to the exercise by the Trust of any discretionary power vested in them) the matter shall be referred to a single arbiter to be appointed at the option of the Trust either by the Chairman for the time being of the Scottish Committee of the Royal Institute of British Architects or by any advisory panel appointed or recognised by the Local Planning Authority.

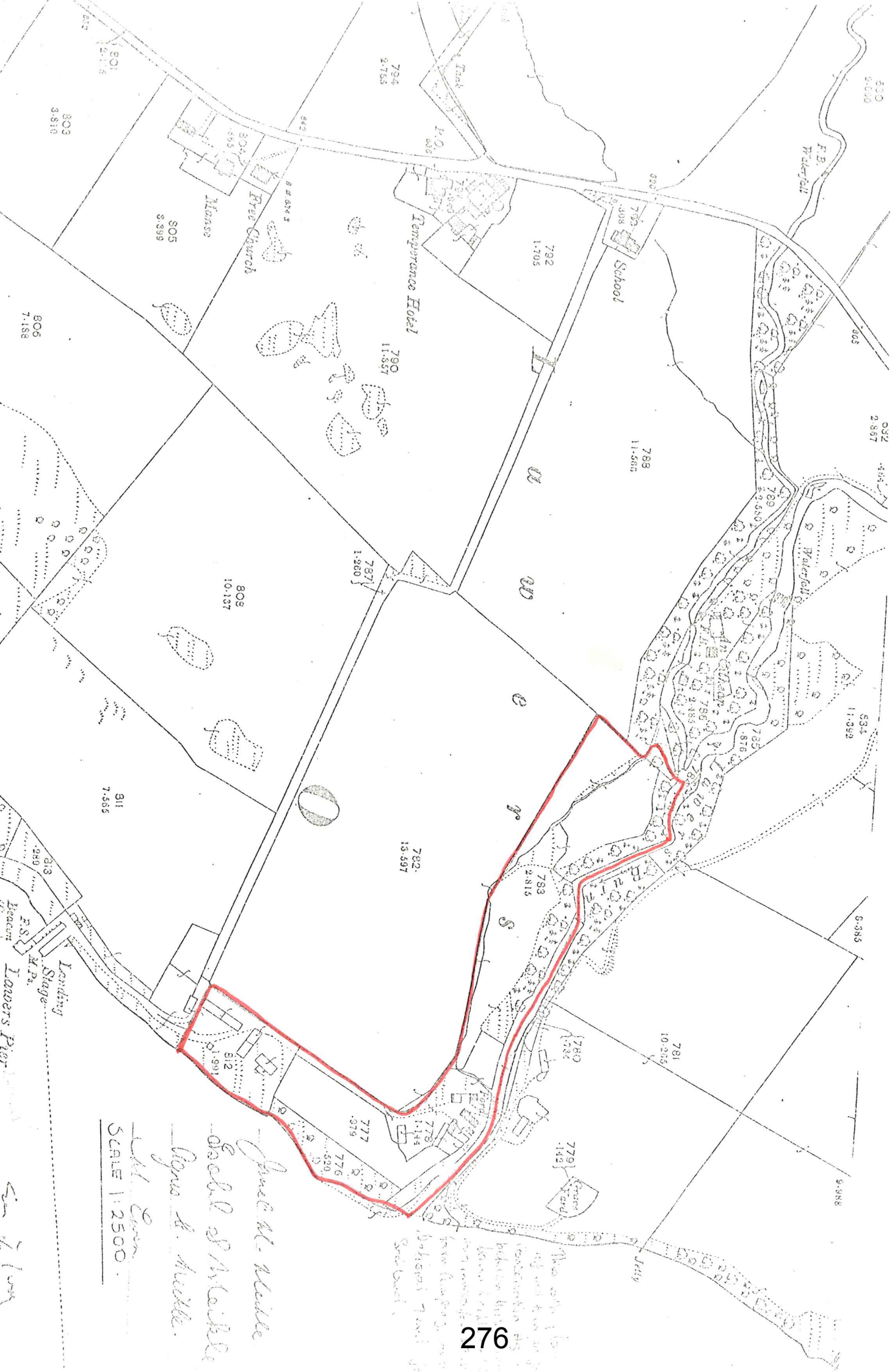
FIFTH And the parties hereto consent to registration hereof for preservation as well as for publication: IN WITNESS WHEREOF

REGISTER on behalf of the within named MISS JANET MARTIN MEIKLE, MISS ISOBEL SAUNDERS MEIKLE, MISS AGNES CONNELL MEIKLE and MRS. MARGARET MEIKLE or EWEN for preservation as well as for publication in the REGISTER of the COUNTY of PERTH.

Solicitors, Glasgow, Agents.

REGISTER on behalf of the within named THE NATIONAL TRUST FOR SCOTLAND FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY for preservation as well as for publication in the REGISTER of the COUNTY of PERTH.

W.S. Edinburgh, Agents.



June M. Heile
Ball & Mickle
Lyons & Mickle
Old Town
 SCALE 1:2500

25 March 2012

Delivered by Email: Planninglr@pkc.gov.uk

T: 01383 741429
M: 07768 812786

Gillian A Taylor
Clerk to the Local Review Body
Perth & Kinross Council
2 High Street
PERTH
PH1 5PH

Our ref: 2012-0215
Your ref: TCP/11/16 (229)
E: neil.martin100@btinternet.com

Dear Mrs Taylor

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN & COUNTRY PLANNING (SCHEMES OF DELEGATION & LOCAL REVIEW
PROCEDURE) (SCOTLAND) REGULATIONS 2008
APPLICATION REF: 12/00628/IPL – ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE) ON
LAND 60 METRES NORTH EAST OF OLD CHURCH LAWERS – MR AND MRS W REID

Thank you for your letter and enclosures regarding the above received by email on 11 March 2013. We have had the opportunity to consider in detail the various representations made to Perth & Kinross Council in respect of this request for Local Review and have set out our clients' response below.

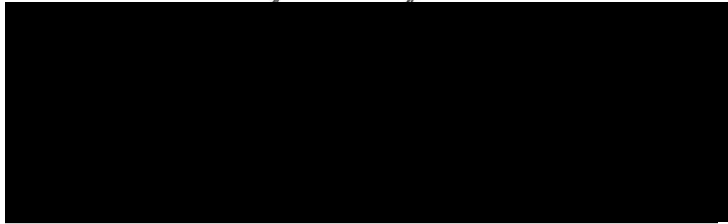
As noted in separate email correspondence, your letter & enclosures of 11 March 2013 was the first that we had become aware of a formal representation made on behalf of the National Trust for Scotland and in fact you will note that our submission refers to the then understanding that no such objection had been made.

It transpires that whilst the NTS objection to the original planning application was duly received and logged by the Council in May 2012, it did not actually appear on the Council's Planning Portal (and hence in the public domain) until 22 February 2013 (which post-dated our submission to the Local Review Body). We have yet to fully ascertain whether the NTS position was formally considered by the planning officer as part of her consideration of the planning application as there is no specific reference to the NTS objection in her delegated report.

We are grateful for the agreed extension to 12 April (3 weeks) which should allow us to meet with NTS on site (their first visit we understand) and to allow their concerns to be fully considered as we would normally have done in preparation of the request for Local Review.

The attached note sets out our response to the representations received to date. We will forward our full response to the statements made by National Trust for Scotland by 12 April 2013 as agreed and trust in the meantime that the Local Review Body will be informed of the above responses.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Neil Martin

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APPELLANTS RESPONSE TO REPRESENTATIONS RECEIVED

Representation from	Response
Amy McDiarmid	<p>Comment is made regarding the use of the ruins as a “bargaining tool” to secure planning permission. This is a somewhat emotive perspective and the fact is, as with a great many planning proposals, the development of a sympathetic property will facilitate the stabilisation of the existing ruins which amounts to a modest planning gain. Regular supervision will also be able to address issues such as occasional inadvertent intrusion by livestock which can (and has) also cause significant damage to the ruins.</p> <p>The sympathetic designs being considered for this site (and which would need further detailed dialogue with the National Trust for Scotland, Historic Scotland and Perth & Kinross Council if Planning Permission in Principle were to be granted) would ensure that the nature and setting of the old village would be retained.</p> <p>As noted in the representation, the Graveyard is not within the application site. It is also not included as part of the Scheduled Ancient Monument designation. Nevertheless, we note the comment that the access would be along the existing access track that would serve the proposed new dwelling. However, as noted within the submission to the Local Review Body, care has already been taken to site and orientate the dwelling so as to minimise any effect of intrusion on walkers who would continue to make use of the track. Fundamentally, there would be no hindrance whatsoever to such users.</p>
Elizabeth McDairmid	<p>Concern is expressed as to a perceived detrimental effect on the amenity of this area. However, no detail as to the nature of those detrimental effects may be is offered and the opinion expressed by the author makes no reference to the points made previously regarding the intent (and requirement) to engage with various bodies to identify an acceptable and sympathetic detailed building</p>

Representation from	Response
Glen Lyon & Loch Tay Community Council	<p>design if Planning Permission in Principle were to be granted.</p> <p>It must also be noted here that the national agency empowered to advise on possible impacts on nationally important historic assets and features, such as Old Lawers Village, accepted that a suitably sympathetically designed building could be accommodated on this site without adverse impact on the setting of the village and hence the amenity (and interpretation) of this site.</p> <p>The Community Council has referred to its original objection, the points within which were originally addressed in the response offered by our Client at the Planning Application stage. In addition, all the points raised were addressed in the submission to the Local Review Body. In summary though:</p> <p>Roads – this matter is not relevant as the Stopping Up proposal was never concluded and therefore effectively withdrawn. Any upgrade to the U184 would be subject to a separate Road Construction Consent application to ensure that it was suitable and appropriate for vehicular access to the dwelling. Such traffic would in effect be limited to a single vehicle accessing the property at any one time and no services taking access directly to the property.</p> <p>Trees – at this time, it is not envisaged that any tree cutting other than to stabilise the ruins would be required. For the avoidance of doubt, no work would be undertaken on the banks of the burn or Loch.</p> <p>Biodiversity – SNH has offered no objection to the proposals in recognition that there will be no adverse impact on natural heritage interests.</p> <p>Built Heritage – this matter is considered in detail in the submission to the Local Review Body.</p> <p>Layout and density – the Community Council has made a single statement in this regard which is their opinion and not based on any obvious assessment or analysis. The fact remains that Historic Scotland have offered their view that the development need not affect the setting and hence full appreciation and interpretation of the Old Lawers Village Scheduled Ancient Monument.</p>

Representation from	Response
Dr Ian McGregor	<p>Design – all matters of design will be addressed in any application for matters referred to in condition in due course if Planning Permission in Principle were to be granted. This would be the subject of further detailed discussions with NTS, Historic Scotland and Perth & Kinross Council.</p> <p>Archaeology – PKHT has indicated its view that a suitable watching brief / written scheme of interpretation can suitably address any such issues.</p> <p>Flooding – the expert opinion offered by the applicant has indicated that the risk of flooding is slight and can be addressed through definition of an agreed finished floor level in keeping with many other proposals around Loch Tay.</p> <p>Dr McGregor has referred to his original objection, the points within which were originally addressed in the response offered by our Client at the Planning Application stage. In addition, all the points raised were addressed in the submission to the Local Review Body. In summary though:</p> <p>Historic Scotland’s position is clearly set out in their response to the Planning Authority.</p> <p>It is unclear the relevance of the statements regarding wind farms which has no bearing on these proposals. It is acknowledged that the site is important to the local community and due recognition of those interests has played a part in the siting and orientation of the proposed dwelling and would continue to play a part in the detailed design stages that would follow if Planning Permission in Principle were to be granted.</p> <p>The opportunity to facilitate the stabilisation of the old village ruins is an important factor as is the potential for more regular supervision of the area to address the potential for inadvertent livestock intrusions. The weight to be applied to this and many other factors is for the Local Review Body to conclude on.</p>
K McGregor	<p>For the avoidance of doubt, we understand that Historic Scotland has visited the site and their subsequent site assessment report included as part of the submission to the Local Review Body sets out</p>

Representation from	Response
	<p>their views on the old village. At this time, we understand that NTS has not yet visited the site despite their objection.</p> <p>In terms of building design, consideration is offered in the submission to the Local Review Body of how the detailed design process could and would be followed. Critically, any detailed designs would require to be agreed by NTS, Historic Scotland and Perth & Kinross Council if Planning Permission in Principle were to be granted.</p> <p>As noted above, it has only very recently come to our attention that NTS had objected to the application and therefore we are only now in a position to begin to address their comments. That should be completed within 3 weeks, including a site visit by NTS. Thereafter, a more informed consideration of their views can be taken by all parties.</p>
Dr Morag MacMartin	Dr MacMartin has referred to her original objection, the points within which were originally addressed in the response offered by our Client at the Planning Application stage. In addition, all the points raised were addressed in the submission to the Local Review Body.
Neil S Hooper	We note Mr Hooper's comments regarding preservation of the infield land between the 2 main parts of the old village but would also reiterate the views of Historic Scotland that a sympathetic development could be accommodated in this site that then need not detract from the appreciation and interpretation of the old village.
Rosemary Hooper	We note Ms Hooper's comments regarding a desire to retain a sense of place to the old village and aspiration of pilgrim routes that includes Lawers Church. Neither of these factors need be undermined by the development of a sympathetic building as is proposed. Is relative anonymity within the landscape would not detract from the enjoyment, appreciation or interpretation of this site.

Representation from	Response
Mairi Stewart	<p>The author offers a commentary on the position current reached. As noted previously, we were unaware of the position adopted by NTS and this only became apparent after the submission to the Local Review Body was made. That was despite efforts to engage with the NTS during the preparation and consideration of the planning application.</p> <p>There are a unique set of circumstances in play at this site and additional control measures over and above those available through the planning system. Those controls (further approvals required of NTS and Historic Scotland as well as the planning authority) allow a wider degree of flexibility at the planning permission in principle stage than would perhaps normally apply.</p> <p>That flexibility would then allow for more detailed discussions on design to be progressed and an acceptable approach discussed and agreed to the satisfaction of the various agencies.</p>
National Trust for Scotland	Update and response to follow

12 April 2013

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Further to our letter of 25 March 2013 and associated correspondence, we are now in a position to fully address the position of the National Trust for Scotland (NTS) as set out in their letter of objection to the initial planning application and subsequent representation to the Local Review Board. This follows a site meeting with the NTS representative (Mr Kenneth Morton, Rural Surveyor South and West and representing the NTS Conservation Agreement Scrutiny Panel) on 05 April 2013 and subsequent email correspondence.

As you are aware, the initial letter of objection from NTS was not in the public domain until after the submission of the request for Local Review and no specific mention of the objection was made in the planning officer's report of handling. You will also be aware that efforts had been made by the applicant to meet with NTS and discuss the proposed application but through a breakdown in communications that did not take place. Accordingly, at that time the applicant assumed a general comfort on the part of NTS with the proposals which, given the objection that we are now aware of may not be the case.

Notwithstanding the above, the meeting with Mr Morton was a productive one and allowed the applicant to more fully appreciate the position of NTS as well as allowing Mr Morton to better appreciate the intended approach to the development of a single dwelling at this location. Further to that site meeting, additional email correspondence has taken place and the content of this letter has been reviewed by Mr Morton.

The basis of the NTS position is that they wish to see the cultural heritage associated with the old Lawers Village site preserved for future generations and in so doing had entered into a conservation agreement with previous owners to that effect. The specific phrase that they refer to is a desire to ensure that the site is not "injured" by any actions or activity.

Recognition was made that despite the current conservation agreement, injury nevertheless occurs through the basic effect of time as well as occasional inadvertent livestock interventions. Vegetation has become invasive in places and the various structures show continued evidence of de-stabilisation.

On the matter of the proposed property, in setting out the underlying philosophy behind the designs for the new dwelling, there was a degree of comfort that direct injury from its development need not arise. That philosophy is based on the following key principles:

- A dwelling that sits within the landscape / site and does not impose itself on it
- A dwelling that reflect the very traditional design principles associated with a Black-house in terms of proportions and form
- A dwelling that has no ancillary features associated with it beyond a discrete car parking area (i.e. no outhouses, children's play equipment, formal garden areas etc)
- An access route that follows the former roadway through old Lawers Village but which does not intervene with any historical features of that roadway (i.e. sets etc) that may exist beneath the overlying layers of mud / vegetation.

An option related to this could be to progress a new Conservation Agreement with NTS that incorporates the above principles and through that there is then available further levels of control of the future use of the dwelling (and a further means to address the stated concerns over ancillary structures that would not normally constitute development). The Applicant has intimated a willingness to progress that and such matters could be discussed and agreed as part of any subsequent discussion on matters specified in conditions if Planning Permission in Principle were to be granted.

The key factor in this situation is that because the applicant was only in a position to progress a Planning Permission in Principle (PPP) Application at this time, NTS had to assume the worse given the relative lack of detail. Whilst the principles set out above were intimated in the associated Design Statement that accompanied the PPP Application, these were not then immediately evident from the planning drawings. However, the PPP Application is a tool available to applicants to define what may be possible on a site and not to address all and every issue.

In the circumstances of the proposed dwelling at old Lawers Village, the intent has been to present a proposal that need not adversely affect the important cultural and natural heritage that is present at this site. This is a factor that Historic Scotland has accepted and, we understand, NTS could consider. The subsequent stage to address matters specified in conditions will then confirm that the proposals will not adversely affect the important cultural and natural heritage that is present at this site, otherwise full planning permission could not be granted.

In so doing, the determination of a PPP Application can set out what the planning authority expects to be addressed to ensure that a "need not" can become a "will not". The above key

design principles could be the basis for those expectations. In addition, the planning authority can also set out who they feel should be engaged in the detailed design stages and given the formal Scheduled Ancient Monument status for the village, Historic Scotland should be explicitly identified as an agency to be consulted prior to any subsequent detailed approval.

NTS has also expressed a wish to be consulted as part of any process and it is considered relevant to incorporate what is an existing obligation on the landowner (applied through the current and intended updated Conservation Agreement) into any formal planning approval processes in due course.

A suggested planning condition to ensure that appropriate detailed designs are progressed for this site and brought forward for approval could therefore be.

The development shall not commence until the following matters have been approved by the Planning Authority:

the siting, design and external appearance of the dwelling, the finished floor level of the dwelling, the landscaping of the site, any means of enclosure, the car parking and means of access to the site, details of any temporary structures and site compounds, precise details of all foul and surface water drainage proposals and precise phasing details for the implementation of the proposals which are approved as part of this consent

For the avoidance of doubt, the Planning Authority would expect that the following key design principles are addressed in any subsequent application for matters specified in conditions:

- **The dwelling is one that sits within the landscape / site and does not impose itself on it**
- **The dwelling reflects the very traditional design principles associated with a Black-house in terms of proportions and form**
- **The dwelling will have no ancillary features associated with it beyond a discrete car parking area (i.e. no outhouses, formal garden ground etc)**
- **The access route that connects with the U184 only follows the former roadway through old Lawers Village and does not intervene with any historical features of that roadway (i.e. sets etc) that may exist beneath the overlying layers of mud / vegetation.**

In addition, the Planning Authority will seek guidance and advice from Historic Scotland and the National Trust for Scotland (who hold a Conservation Agreement across the subject site) on the acceptability of the final detailed designs for the dwelling and any associated works prior to giving any express approval for those designs.

The access from the U184 would be subject to a separate Scheduled Monument Consent application and the final specification of the access would be discussed and agreed with Historic Scotland as part of that process. Careful excavation of the current track to identify and record any historical features of the old road through the village would also be progressed as part of the SMC application as well as be subject to the requested watching brief set out in the PKHT response. It is expected that no physical intervention through the historic fabric would be permitted and the new access would be designed to ensure the preservation of the historic fabric.

Similarly, the conservation works to the old Lawers Village that the applicant has undertaken to progress, would be discussed and agreed with Historic Scotland, NTS and Perth & Kinross Council.

The Planning Authority may also wish to consider the relevance of incorporating the intended undertaking by the applicant to enter into an up to date Conservation Agreement with NTS that reflects their own landholdings (and which is for a slightly lesser area that covered under the existing Conservation Agreement) as a further planning condition to be addressed prior to full approval of the proposed dwelling being progressed.

To summarise, NTS now has greater comfort that the proposed dwelling need not injure the historic site. They now also have greater comfort that the other relevant aspects of the existing Conservation Agreement can be satisfied. Their initial objection and subsequent representation to the LRB should therefore now be considered in light of that.

However, we understand that a formal response from NTS could only be provided once the proposals for old Lawers Village, and the additional understanding that they now, have been considered by their Conservation Agreement Scrutiny Panel. The applicant has undertaken to continue to work in partnership with NTS to identify an acceptable approach to the proposed new dwelling and as such, it may be helpful to the Perth & Kinross Council Local Review Board to take cognisance of any outcome of the NTS Panel, the next meeting of which is 09 May 2013, before concluding on this Review.

All matters relating to the PPP application and the manner in which a positive determination of this application could be progressed have been set out in the submission to the LRB and response to other representations made.

Yours sincerely



Neil Martin

cc: Mr Kenneth Morton National Trust for Scotland

martin town planning ltd.