

**TCP/11/16(335)**  
**Planning Application 14/01375/AML – Erection of dwellinghouse and carport (matters specified by conditions), land 110 metres south west of Little Bradyston, Murthly**

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**TCP/11/16(335)**

**Planning Application 14/01375/AML – Erection of dwellinghouse and carport (matters specified by conditions), land 110 metres south west of Little Bradyston, Murthly**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





# NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

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

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

**Use BLOCK CAPITALS if completing in manuscript**

## Applicant(s)

Name Mr Peter Osbaldstone

Address Maple Cottage Perth

Postcode P1 3PA

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name Arthur Stone Planning

Address 24 Friar Street  
Perth

Postcode PH2 0ED

Contact Telephone 07855538906

Contact Telephone 07972920357

Fax No

E-mail\* info@arthurstoneplanning.co.uk

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

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

Yes ☒ No ☐

Planning authority

Perth and Kinross Council

Planning authority's application reference number

14/01375/AML

Site address

West of Bradystone, Murthly

Description of proposed  
development

Erection of Dwellinghouse and Carport

Date of application

04/08/14

Date of decision (if any)

03/10/14

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

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input type="checkbox"/>            |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input checked="" type="checkbox"/> |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

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

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

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input type="checkbox"/>            |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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

**Site inspection**

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

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

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

**Statement**

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

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

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

Please see separate review 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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

## List of documents and evidence

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

Planning review statement.  
Location Plan  
Tree survey  
Detailed design drawings  
Hard and soft landscaping schedule

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at Perth and Kinross Council Offices, High Street, Perth until such time as the review is determined. It is also be available on the planning authority website.

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## Checklist

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

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

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

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## Declaration

**I the agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed

Alison Arthur

Date

01/01/15



# Local Review Statement

14/01375/AML

Erection of Dwellinghouse and Carport  
(matters specified by conditions)

On behalf of Mr P Osbaldstone

Arthur Stone Planning  
24 Friar Street  
Perth. PH2 0ED

07972920357  
07855538906

info@arthurstoneplanning.co.uk  
www.arthurstoneplanning.co.uk

## **Introduction**

The purpose of this statement is to provide a reasoned justification against the refusal of planning application 14/01375/AML (matters specified by condition) by Perth & Kinross Council for the erection of dwellinghouse and carport at Little Bradyston, Murthly on 3<sup>rd</sup> October 2014.

The application was refused for the following 3 reasons:

1. The proposal does not accord with the terms of Condition 3 of the related in principle consent (Ref: 13/00688/OUT) as the proposed house is not single storey in height and its design does not reflect the traditional local architectural character of the area.
2. The proposal does not accord with the terms of Condition 2(e) and 6 of the related in principle consent (Ref: 13/00688/OUT) as the tree protection plans submitted with the tree survey date 24<sup>th</sup> July 2014 are not to scale and are not clearly legible.
3. The proposed development is contrary to the Policies PM1A of the Perth and Kinross Local Development Plan 2014 as the scale and design of the proposed dwelling does not reflect the traditional local architectural character of the area.

Given the narrow focus of the concerns raised by the proposal the report will discuss the following issues only:

- Planning History
- Design and Visual Amenity
- Tree Survey

The end of the report will also provide photographs of surrounding local architectural form.

## **Planning History**

This proposal relates to an open area of ground located to the south west of the village of Murthly. The site incorporates strong, established boundaries including a mature hedge and mature trees to the north and by the existing road to the south. Two detached stone built cottages lie to the west of the site whilst a large dwelling is situated to the east, set back from the roadside. A private driveway leading to Bradyston Farmhouse (Category B Listed) also lies directly to the east of the site. The surrounding area is characterised by a mixture of new build, modern infill developments and traditional stone built cottages and large detached traditional stone properties.

The principle of development on this site was established by planning application 13/00688/IPL which sought Planning permission in principle for the erection of a single dwellinghouse; approved in May 2013. No concerns were raised in this report other than requiring a tree survey to ensure the conditions of the trees and the root protection measures are identified and that the new building echo the traditional design of the surrounding cottages, be restricted to single storey in height and constructed in high quality materials.

The Delegated Report written by the case officer for this current detailed application (14/01375/AML) raises no concerns in relation to the principle of the proposal; its location; its positioning within the plot boundaries and the plot ratio proposed; the size of the building in floor area; road safety; or landscaping. In addition, no letters of representation or objection were received in connection with the proposal.

However, as noted above, the application was refused for the following 3 reasons:

1. The proposal does not accord with the terms of Condition 3 of the related in principle consent (Ref: 13/00688/OUT) as the proposed house is not single storey in height and its design does not reflect the traditional local architectural character of the area.
2. The proposal does not accord with the terms of Condition 2(e) and 6 of the related in principle consent (Ref: 13/00688/OUT) as the tree protection plans submitted with the tree survey date 24<sup>th</sup> July 2014 are not to scale and are not clearly legible.
3. The proposed development is contrary to the Policies PM1A of the Perth and Kinross Local Development Plan 2014 as the scale and design of the proposed dwelling does not reflect the traditional local architectural character of the area.

These issues are now addressed in the following sections of this report.

## **Design and Visual Amenity**

Condition 3 of the original planning consent 13/00688/IPL for the site required that the new dwellinghouse should be single storey in height, reflect the traditional local architectural character of the area in design and construction terms. However, in terms of the current planning application the case officer's delegated report advises that the proposed dwellinghouse does not give the appearance of a single storey building, incorporates a suburban appearance as a result of the fenestration and is not sympathetic to the local traditional character of the area.

### **Local Character**

In terms of the local character of the area, it is considered that this has not been adequately identified by the case officer at any point in their report. Looking at both the immediate area and properties to the north and south of the entrance into the estate road, the local architectural character of the area can be characterised by a mix of house types, including traditional single and two storey stone built properties and also by a range of new build properties incorporating a variety of different styles and materials. As such, it is considered that this building, which incorporates a traditional pitched roof, traditional materials and fenestration and is single storey in height would not be out of place with the local architectural character of the area and would conversely echo the traditional style.

Looking at the land immediately adjacent to the site, two traditional stone built, single storey cottages which also incorporate extensions are located directly to the west. A large, two storey dwellinghouse (Bradystone House) is located to the east of the site, set back from the road side whilst the category B listed, two storey Bradyston Farmhouse is located further to the northeast. To the north the site is bounded by extensive, mature woodland.

Looking further east at the entrance to the road access to the site (from the B9099) a one and a half storey modern dwellinghouse has been developed with modern materials amongst a small grouping of traditional stone buildings. This property also incorporates a number of outbuildings which are all visible from the public road. Further to the north of the B9099 two other modern single storey properties have been developed adjacent to traditional two storey stone buildings. A new modern housing estate has also been formed beyond these houses incorporating a variety of different house styles. To the south of the entrance on the B9099 two further new build dwellinghouses, located adjacent to traditional single storey stone built cottages, have been constructed over two storeys in height.

### **Design/Height of Proposed Dwellinghouse**

In terms of the height of the building the dwellinghouse has been designed so as to replicate the height and appearance of a single storey dwellinghouse and to also enable the provision of accommodation in the roof space. This allows the building to be formed in a traditional linear shape without the need for large areas of extensions to the rear or side of the building. It is considered



that the proposed height of the dwellinghouse is not out of character with the height of any other single storey dwellinghouse and would be similar to the other new build properties that have been developed in the surrounding local area.

In order to create a more traditional appearance the building is proposed to be constructed with traditional materials including wet dash render, larch cladding and a natural slate roof. This, alongside the traditional shape of the building and the traditional pitched roof creates a more traditional building form that would be sympathetic to and not out of character with the surrounding traditional buildings and would make a positive contribution to the surrounding built environment as required by Policy PM1A of the Adopted Perth and Kinross Local Plan (2014). The proposal would not be dissimilar to the new build property at the entrance to the estate road to the east of the site. The more modern elements of the building including the hipped roof have been positioned to the rear of the building, which is not visible for any public vantage point.

In terms of fenestration, the windows and doors proposed on the principle elevation facing the public road side (south east) all incorporate a vertical emphasis, which is key to maintaining a traditional appearance in any design. The proposed rooflights on the road side elevation are similarly of a vertical emphasis, are small in size and are equally spaced as far as possible so as to reduce their impact on the roof space. The front elevation also incorporates a traditional entrance porch which incorporates vertically lined timber. It is therefore considered that contrary to the case officer's advice the proposed windows that are visible on the public elevation reflect traditional proportions.

## **Tree Survey**

Condition 2e) and Condition 6 of the original planning consent for planning permission in principle on the site (13/00688/IPL) required a tree survey to be provided for the report, which should indicate the condition of trees on the site, those trees required for removal and those to be retained and protected. Condition 6 also ensures that the trees and shrubs on the northern boundary are retained to maintain the landscape setting on the proposal. It should be noted that as well as ensuring the preservation of the landscape boundary, Mr Osbaldstone has submitted a detailed landscaping plan which demonstrates the wider plans for the site to increase the level of planting along the boundaries and within the main body of the site which would ensure that the proposed dwelling would very quickly appear comfortably embedded in the landscape setting of the area. However, the associated delegated report did not raise any concerns regarding the value of the trees on the site and did not request a tree report to be provided prior to agreeing the principle of the redevelopment of the site. It could therefore be concluded that the loss of trees on the site was not a significant material consideration in this case.

However, in terms of the current planning application (14/01375/AML) the case officer's delegated report advises that the tree protection plans submitted alongside the Tree Survey are not to scale and are not clearly legible.

The survey submitted was carried out following the guidelines detailed in the British Standard by a qualified arboriculturalist, as required by the planning in principle consent (13/00688/IPL). The survey consists of 28 pages of detailed information and assessed 35 significant trees on the site. The report identified that the proposal would require the removal of 11 trees to the south of the site to facilitate the development. This matter has not been raised as a matter of concern by the Planning Officer. The report also identifies the extent and disposition of Root Protection Areas (RPA) of all the trees in plan form and the course of actions that would be necessary to ensure their protection in written form within the report (method statement) including specifications of the proposed protective barrier.

The plans submitted illustrating the RPA's etc are considered to be clearly legible, illustrating the outline of the site, the location of the neighbouring properties and a clear scale is evident at the top left hand corner of the plans. These plans illustrate the existing trees, the trees affected and not affected by the development, the crown spread root protection measures and the proposed construction exclusion zone. It is considered that the proposal therefore meets the requirements of the relevant conditions on the in principle consent (13/00688/IPL). In addition, should the plans have not been considered of an acceptable 'legible' standard this would have been picked up by the registration team of the case officer at the outset of the planning application.

## **Summary**

In conclusion, it is clear that the proposed single storey dwelling, which would sit along the existing building line established by neighbouring properties and against the backdrop of mature woodland is clearly of a scale, proportion and design to sit comfortably amongst the existing mixed architectural styles and ages of residential dwellings within the surrounding area. Which, in conjunction with the use of high quality traditional style finishing materials such as timber, slate, wet dash render and larch cladding, along with the implementation of a high quality landscaping plan and the retention and future preservation of the majority of existing significant trees on site would be an attractive addition to the existing housing stock of the locale.

Mr Osbaldstone therefore asks that the application is examined by local councillors whilst considering the previous points raised to allow for a fair and thorough assessment of the proposal for him and his family.



## Local Architectural Building Form



New 1 and  $\frac{3}{4}$  storey house beside traditional semi-detached cottages on B9099 Road



Storey and a half house at junction of road into Bradyston – illustrates dormers to the rear



Storey and a half house at junction of road into Bradyston – illustrates dormers to the rear



Modern house located between stone built properties on B9099



Modern house located between stone built properties on B9099



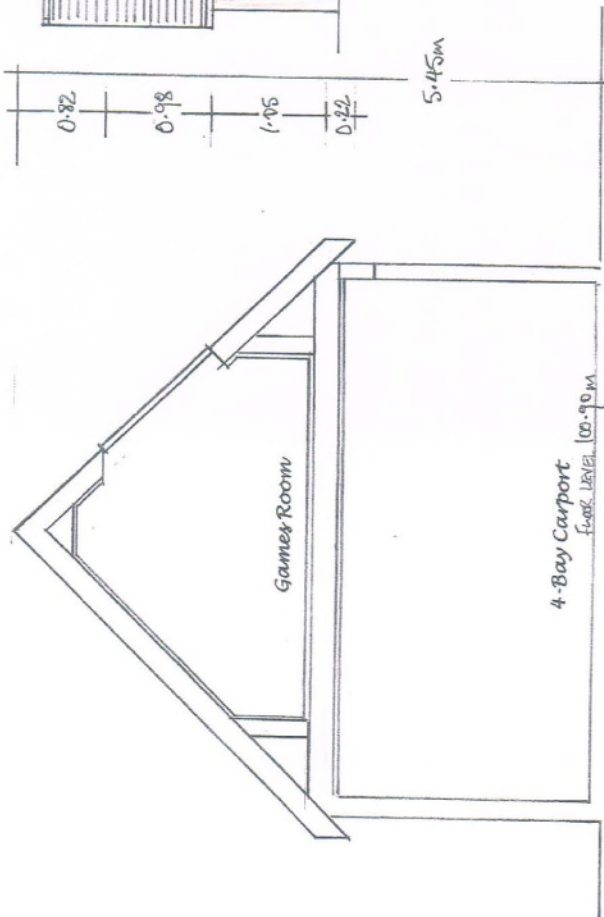
New estate in the local area (off B9099)



Modern development on Station Road off B9099



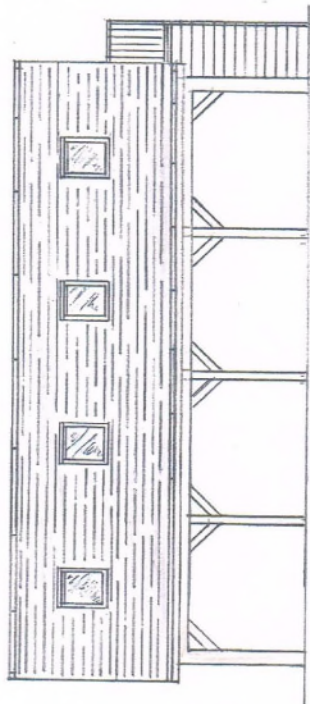
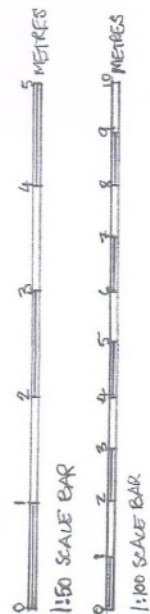




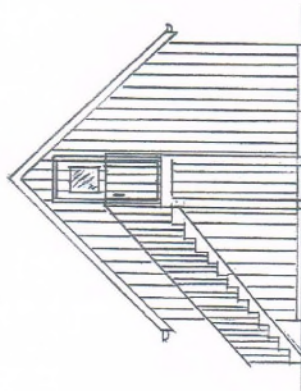
Proposed Vertical Cross-Section A-A 1:50

*External Finishes*

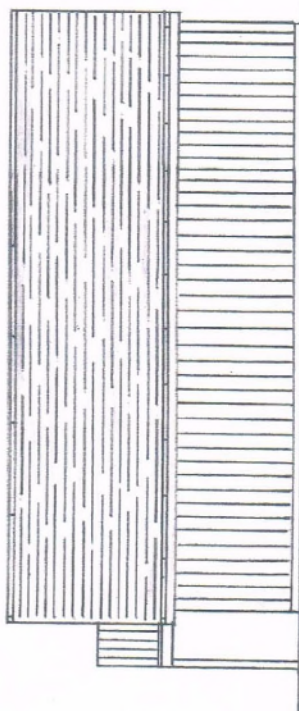
Vertically aligned Larch cladding with solid timber posts  
Slate roof  
Black gutters and rainwater pipes



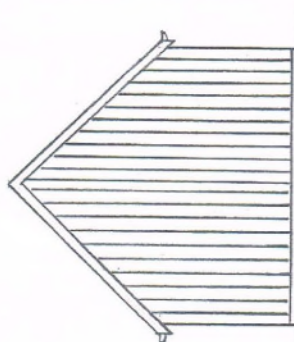
Proposed North East Elevation 1:100



Proposed North  
West Elevation 1:100



Proposed South West Elevation 1:100



Proposed South  
East Elevation 1:100

**Norman A MacLeod**

Tel: 07884177328

e-mail: [namacleod@aol.com](mailto:namacleod@aol.com)

[www.namsurveying.co.uk](http://www.namsurveying.co.uk)

Project: Erection of a detached house and  
carport at Little Bradystone, Murthly

Scale: 1: 100 & 1:50

Drawing No: 7

Drawing ref: Proposed Carport Elevations and  
Vertical Cross-Section

Date: July 2014



## Norman A MacLeod

Tel: 07884177328

e-mail: [namacleod@aol.com](mailto:namacleod@aol.com)

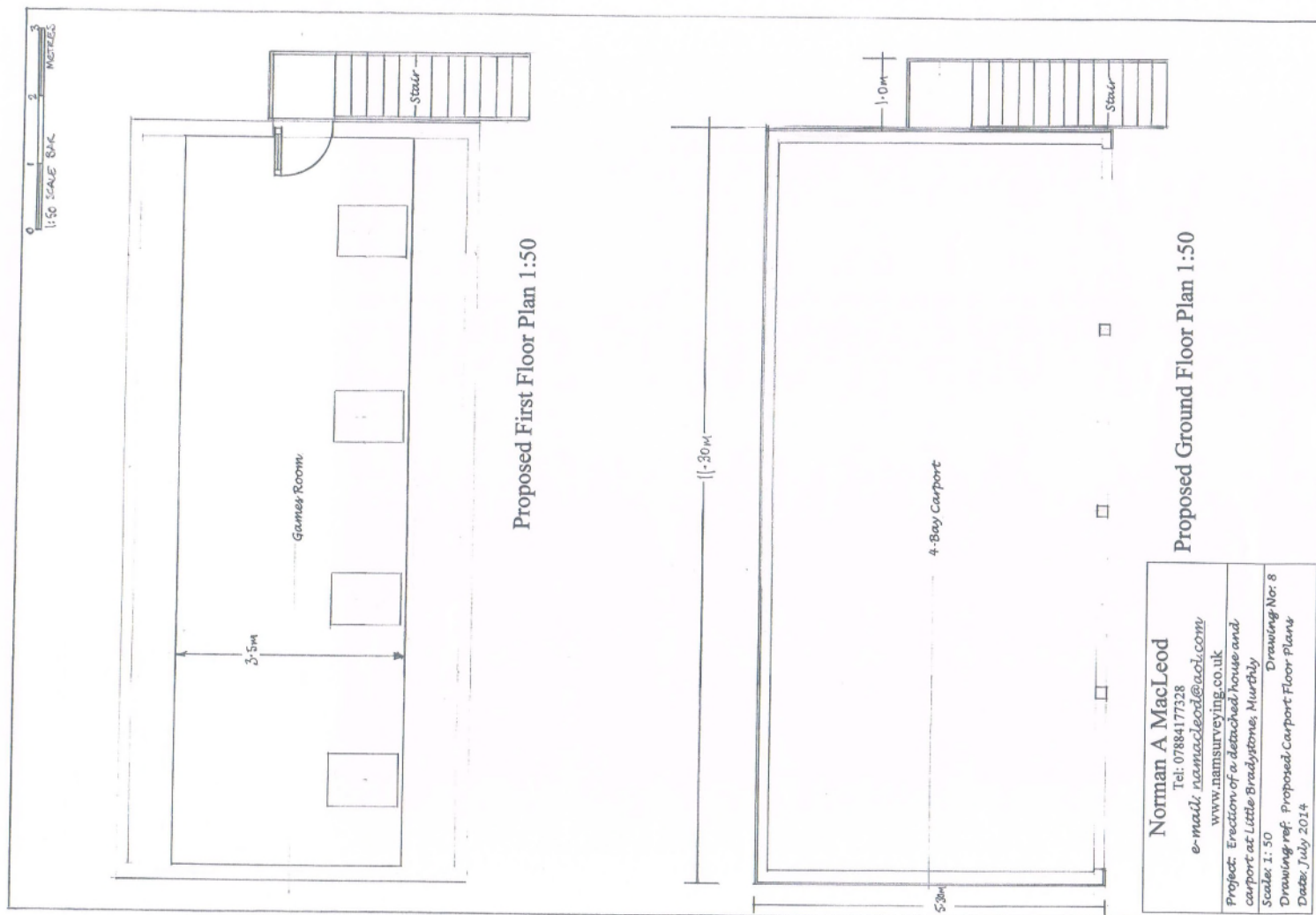
[www.namsurveying.co.uk](http://www.namsurveying.co.uk)

**Project:** Erection of a detached house and carport at Little Bradlystone, Murthly

Scale: 1: 500

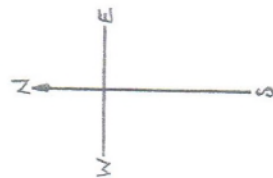
Scale: 1: 500  
Drawing No: I  
Drawing ref: Existing Block plan with Site Levels  
Date: July 2014



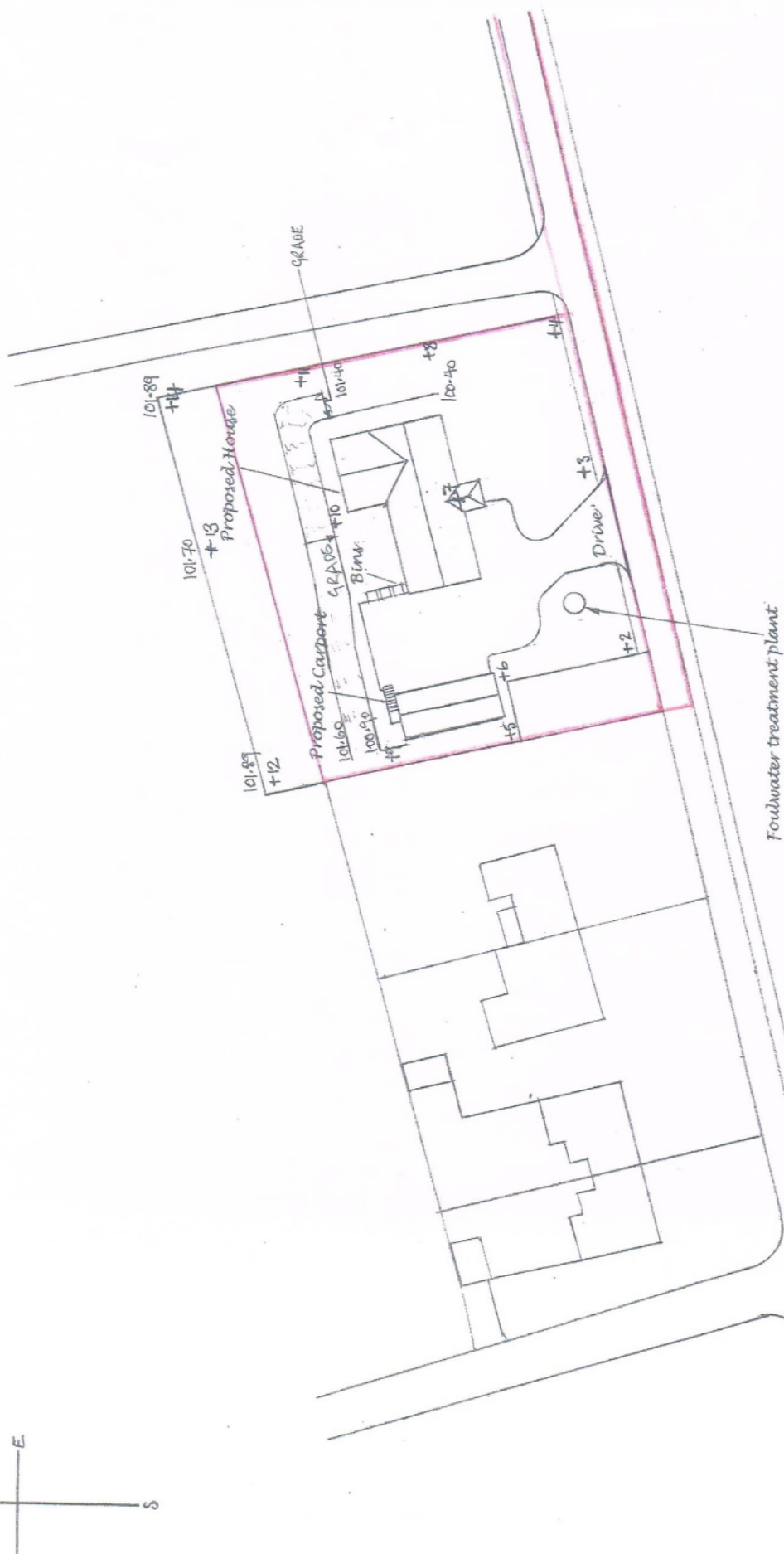




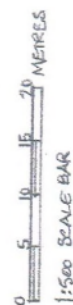




House Ground Floor Level 100.80.  
Carport Ground Floor Level 100.90



Proposed Block Plan 1:500



**Norman A MacLeod**

Tel: 07884177328

e-mail: [namacleod@aol.com](mailto:namacleod@aol.com)

[www.namsurveying.co.uk](http://www.namsurveying.co.uk)

Project: Erection of a detached house and carport at Little Bradystone, Murthly

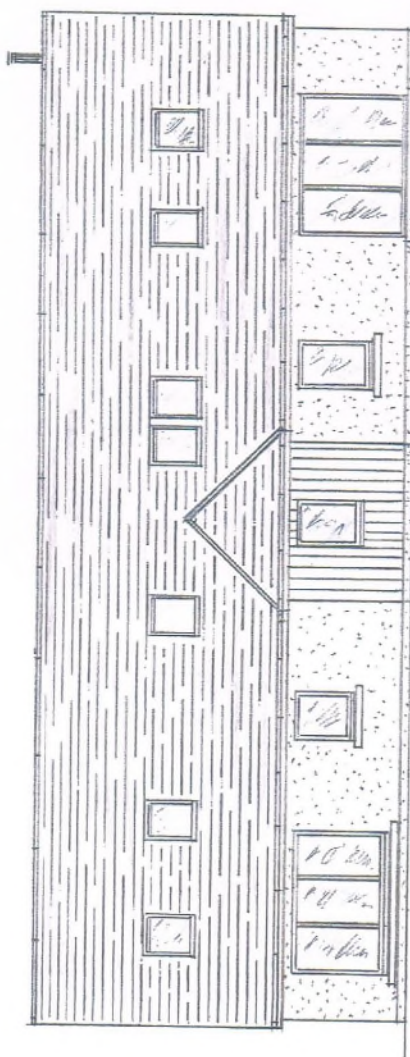
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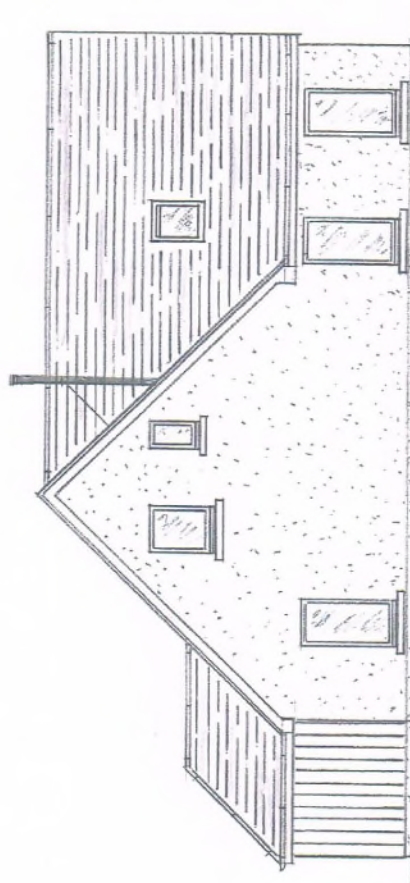
Drawing ref: Proposed Block plan

Date: July 2014

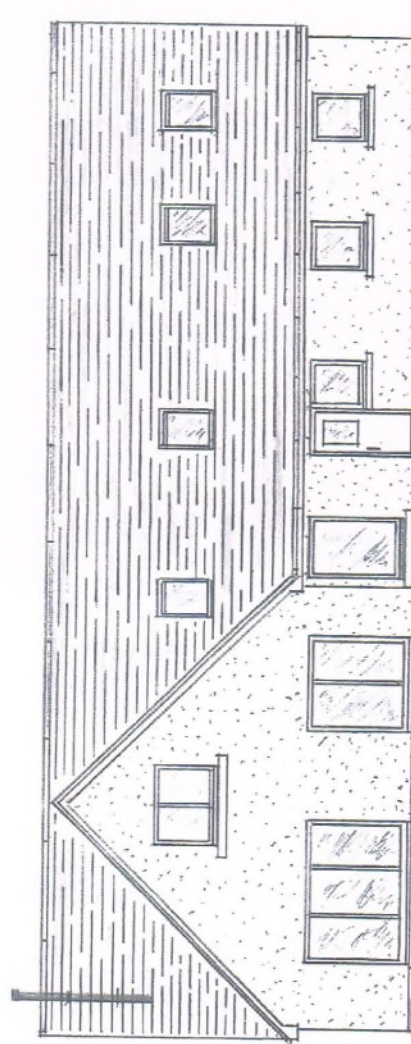




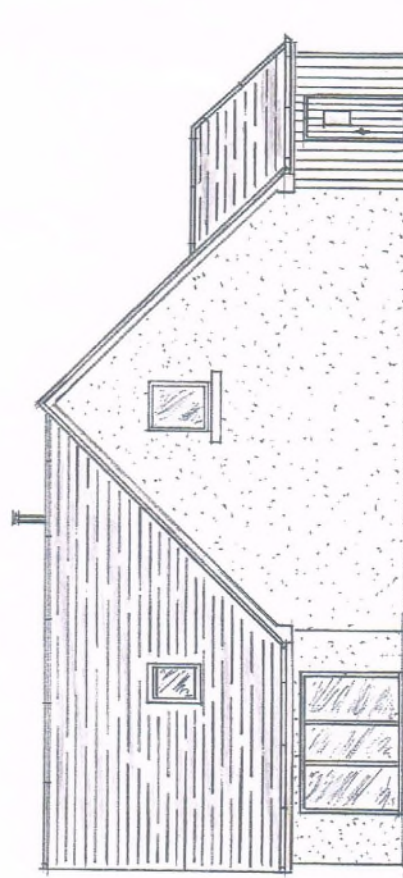
Proposed South East Elevation 1:100



Proposed North East Elevation 1:100



Proposed North West Elevation 1:100



Proposed South West Elevation 1:100

#### External Finishes

Off-white wet dash render to external walls  
Vertically aligned Larch cladding to the porch  
Porch door to match Larch cladding  
Windows and doors to be double-glazed units  
with grey aluminium profiles  
Slate roof  
Black gutters and rainwater pipes



**Norman A MacLeod**

Tel: 07884177328

e-mail: [namacleod@aol.com](mailto:namacleod@aol.com)

[www.namsurveying.co.uk](http://www.namsurveying.co.uk)

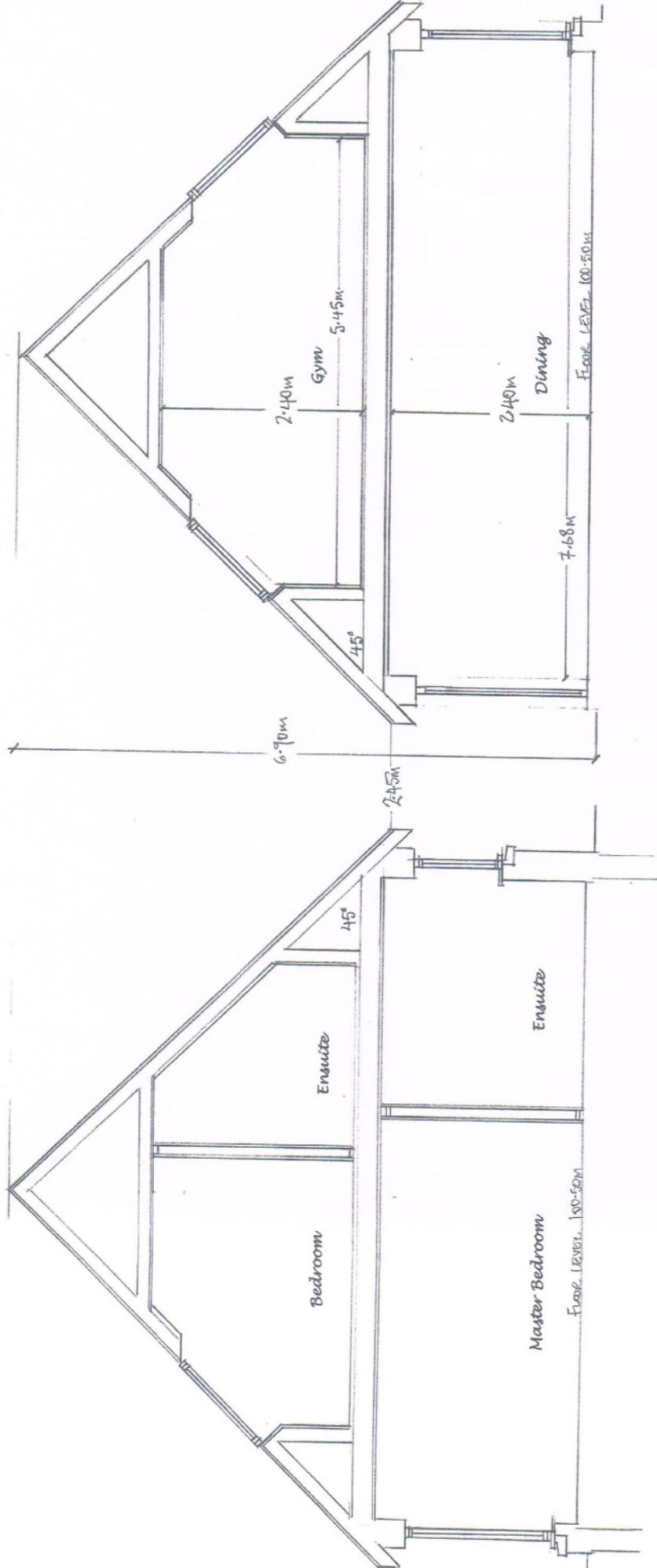
Project: Erection of a detached house and  
carport at Little Bradystone, Murthly

Scale: 1: 100

Drawing ref: Proposed House Elevations

Date: July 2014

Drawing No: 3



Proposed Vertical Cross-Section A-A 1:50

Proposed Vertical Cross-Section B-B 1:50



**Norman A MacLeod**

Tel: 07884177328

e-mail: [namacleod@aol.com](mailto:namacleod@aol.com)

[www.namsurveying.co.uk](http://www.namsurveying.co.uk)

Project: Erection of a detached house and carport at Little Bradystone, Murthly

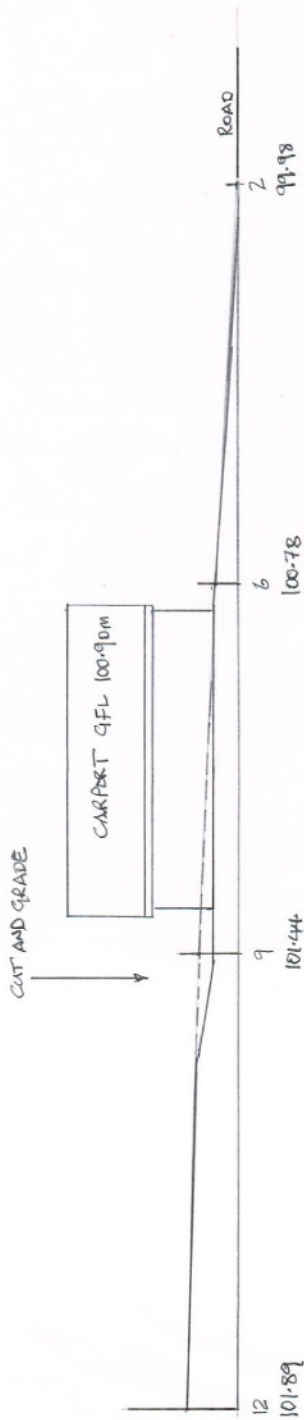
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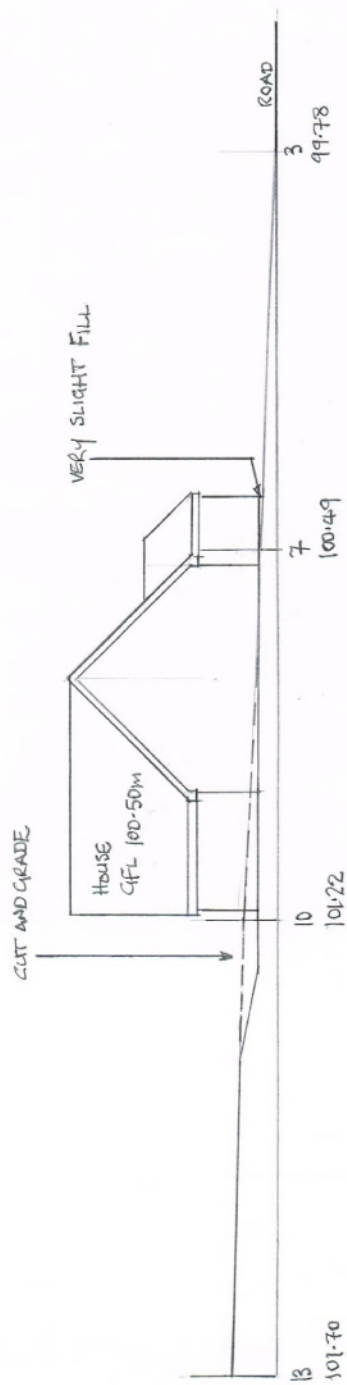
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Date: July 2014

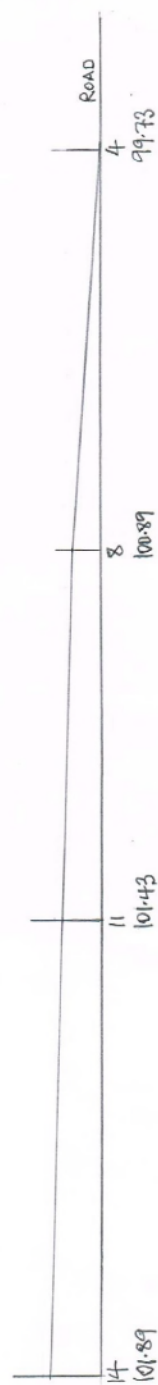




Section 2 - 12 1:200

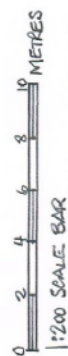


Section 3 - 13 1:200



Section 4 - 14 1:200

Proposed Sections through the Site 1:200



Norman A MacLeod

Tel: 07884177328

e-mail: [namacleod@aol.com](mailto:namacleod@aol.com)

[www.namsurveying.co.uk](http://www.namsurveying.co.uk)

Project: Erection of a detached house and carport at Little Bradstone, Murthly

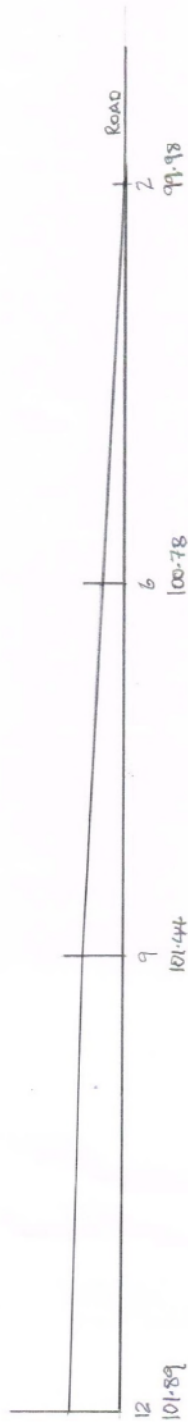
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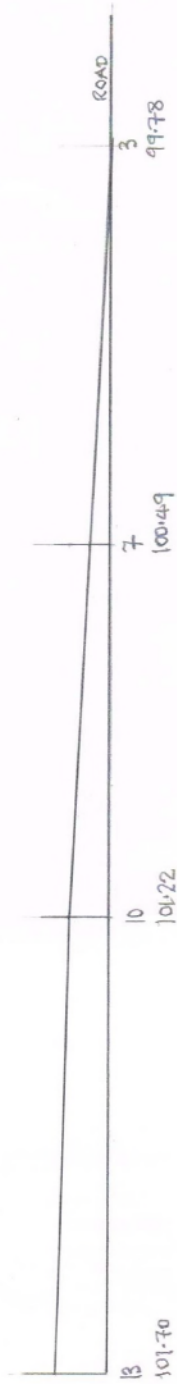
Drawing ref: Proposed Sections through the Site

Date: July 2014

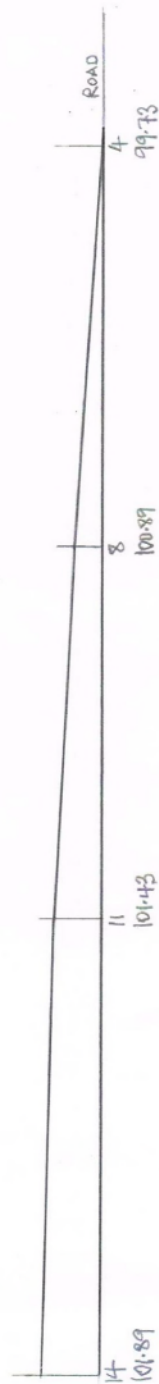




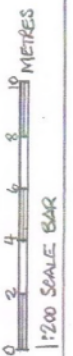
Section 2 - 12 1:200



Section 3 - 13 1:200



Section 4 - 14 1:200



Existing Sections through the Site 1:200

Norman A MacLeod

Tel: 07884177328

e-mail: [namacleod@aol.com](mailto:namacleod@aol.com)

[www.namsurveying.co.uk](http://www.namsurveying.co.uk)

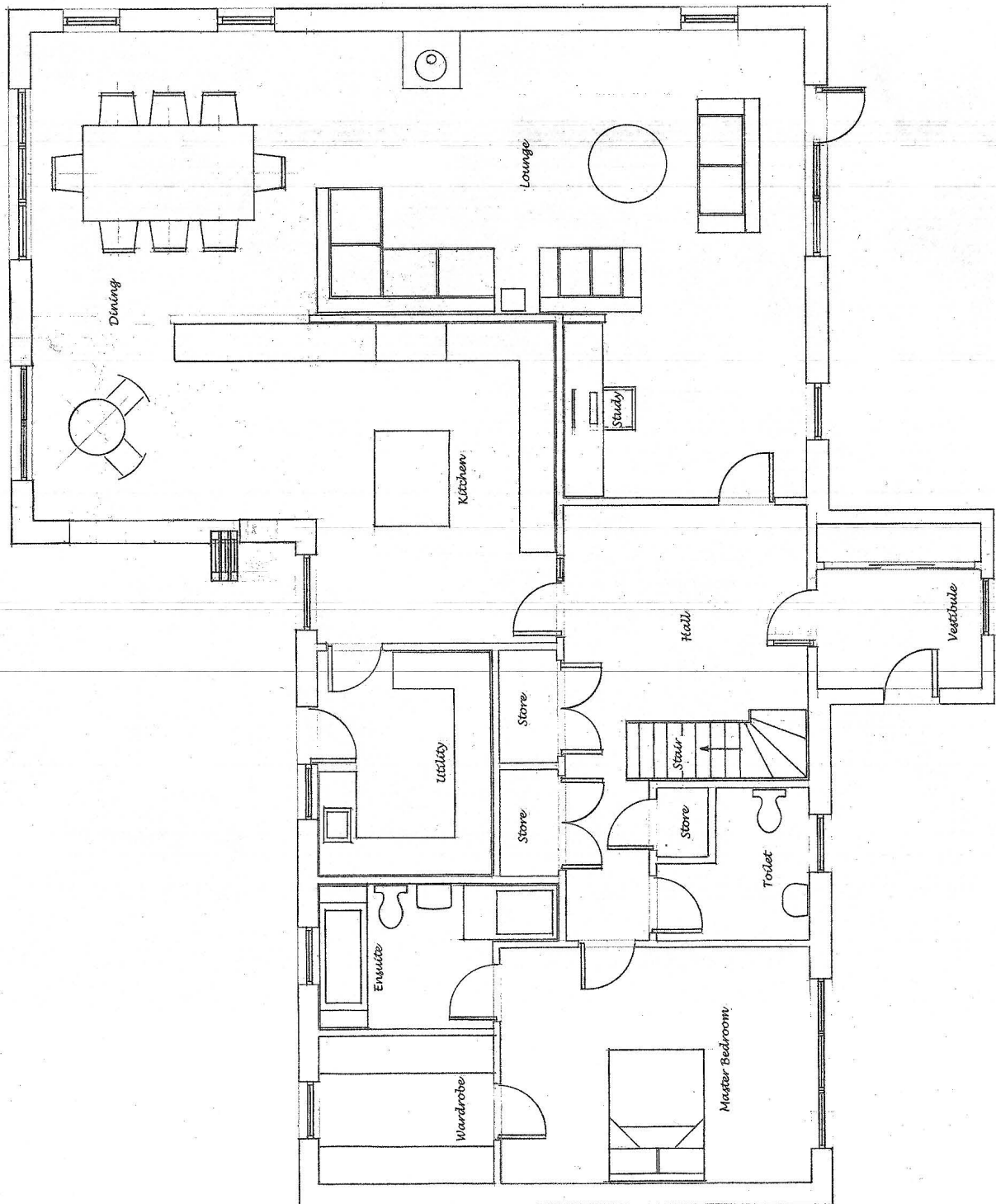
Project: Erection of a detached house and  
carport at Little Bradstone, Murthly

Scale: 1: 200

Drawing No: 9

Drawing ref: Existing Sections through the Site

Date: July 2014



Proposed Ground Floor Plan 1:50

0 1 2 METRES  
1:50 SCALE BAR

Norman A MacLeod

Tel: 0788417328

e-mail: [namacleod@aol.com](mailto:namacleod@aol.com)

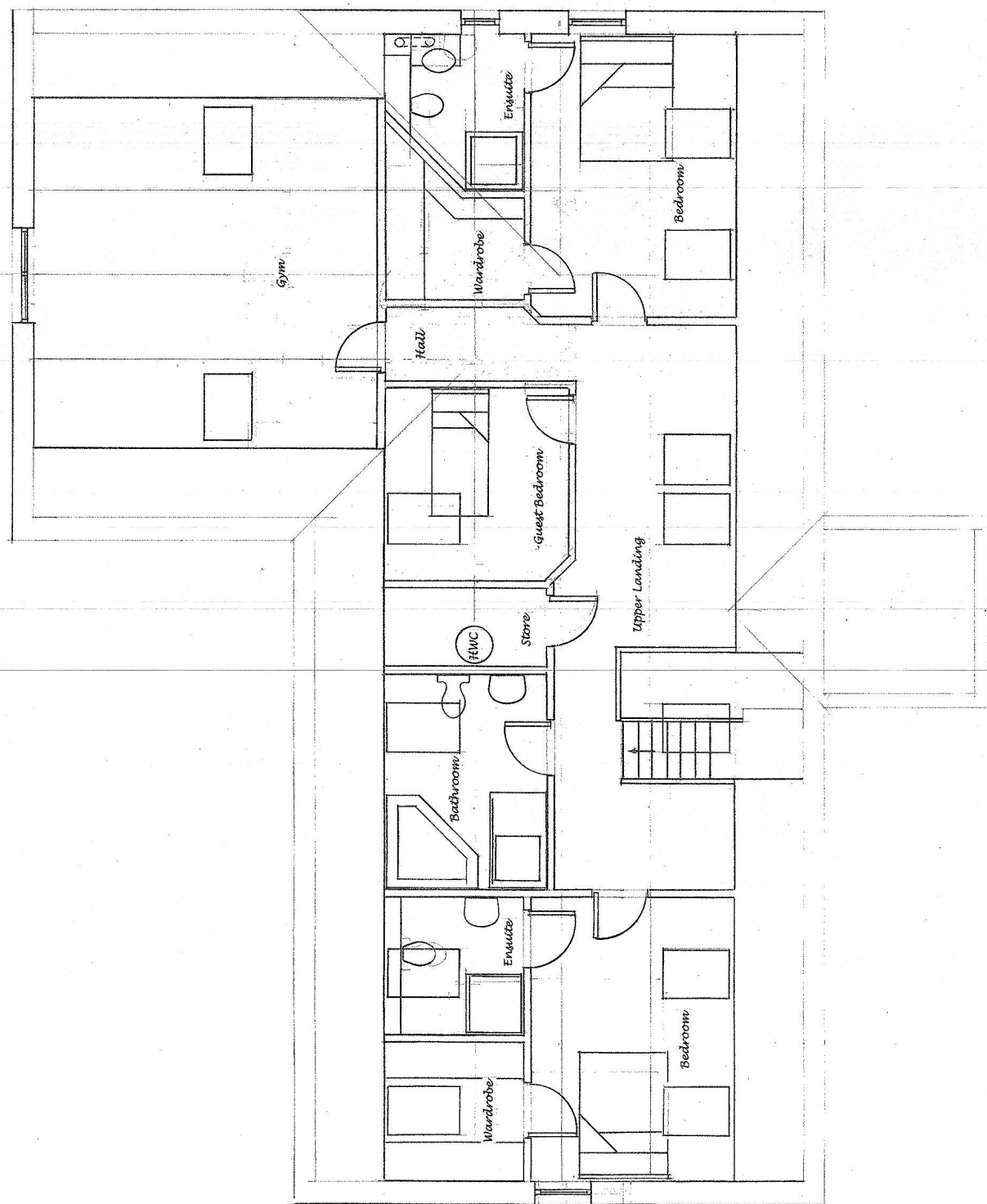
[www.namsurveying.co.uk](http://www.namsurveying.co.uk)

Project: Erection of a detached house and  
carport at Little Bradystone, Murthly

Scale: 1:50

Drawing ref: Proposed ground floor plan

Date: July 2014



Norman A MacLeod	
Tel: 07884177328	
e-mail: <a href="mailto:namacleod@aol.com">namacleod@aol.com</a>	
<a href="http://www.namsurveying.co.uk">www.namsurveying.co.uk</a>	
Project: Erection of a detached house and carport at Little Bradystones, Murthly	
Scale: 1:50	Drawing No: 6
Drawing ref: Proposed First Floor Plan	
Date: July 2014	

Proposed First Floor Plan 1:50

0 1 2 3 METRES  
1:50 SCALE BAR





## Arboricultural Impact Assessment at Bradyston, Murthly



**Prepared for:** **Peter and Mellany Osbaldstone**  
Ardlebrae  
Bridge of Cally  
Blairgowrie  
PH10 7JJ

**Prepared by:** **Paul Hanson**  
Arboretum Internationale Limited  
Ochil Cottage  
Main Road  
Guildtown  
PH2 6BS

Tel: 01821 640 555

E-mail: paul@arboretum-intl.com

Signed \_\_\_\_\_ 24<sup>th</sup> July 2014

This document has been prepared exclusively for the use of Mr. and Mrs. Osbaldstone and their agents on the basis of information supplied and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the material contained in this document. No other party may rely on this information, and if he does so, then he relies upon it at his own risk.



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## **INTRODUCTION**

### **Instructions:**

This tree survey and report was commissioned by Mr. and Mrs. Osbaldstone of Ardlebrae, Bridge of Cally, Blairgowrie, PH10 7JJ.

### **Terms of Reference:**

- To inspect the significant trees in accordance with British Standard 5837:2012 'Trees in relation to design, demolition, and construction– Recommendations',
- Assess their suitability for retention in relation to the development of the site,
- Assess the impact of the proposed scheme on retained trees,
- Provide guidance on measures that should be taken to ensure the protection of retained trees and the successful integration of the proposed development.

### **Documents Supplied:**

- Copy of sketch drawing no. A. 43,583, entitled 'Bradyston - Layout Plan' – produced by Bidwells dated 18.03.2013.
- Copy of planning permission in principle relating to Perth and Kinross Council application no. 13/00688/IPL, (4 pages) dated 28.05.2013.
- Copy of a report of handling, Delegated Report, relating to Perth and Kinross Council application no. 13/00688/IPL, (8 pages) dated 23.04.2013.

## Part 1 TREE SURVEY

### 1 Scope and Limitations of Survey

- 1.1 The survey and this report, consisting of twenty-eight pages (including the cover), are concerned with the arboricultural aspects of the site only.
- 1.2 This survey is restricted to trees within the site or those outside the site that may be affected by its re-development. No other trees were inspected.
- 1.3 The survey was carried out following guidelines detailed in British Standard 5837:2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).
- 1.4 It is based on a ground level tree assessment and examination of external features only – described as the 'Visual Tree Assessment' method expounded by Mattheck and Breloer (The Body Language of Trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 1.5 Only trees of significant stature were surveyed. In general, self-set trees with a stem diameter at 1.5m above ground level of less than 100mm have been excluded unless they have particular merit that warrants comment. Woody shrub species are not included.
- 1.6 No plant tissue samples were taken and no internal investigation of the trees was carried out. No soil samples were taken or soil analyses carried out.
- 1.7 The risk of tree-related subsidence to structures has not been assessed.
- 1.8 No specific assessment of wildlife habitats has been carried out.
- 1.9 It is assumed that there are no underground services within the curtilage of the site.
- 1.10 This report should be read in conjunction with the Tree Survey Plan (Plan 1); the plan includes the position of all significant trees (affected by the development proposals) and existing or proposed features, and is based on the plans provided by the client or other instructed professionals.

### 2 Survey Method

- 2.1 The stem diameters of single stemmed trees were measured in millimetres at 1.5m above ground level. Multi-stemmed trees were measured as separate stems also at 1.5m above ground level.
- 2.2 The height of each tree was measured by using digital clinometer.
- 2.3 Crown radii were measured across the cardinal points.



- 2.4 Where access to trees was obstructed or obscured, measurements and dimensions have been estimated.
- 2.5 Each tree has been assessed in terms of its arboricultural, landscape, cultural and conservation values in accordance with BS 5837 and placed within one of the four following categories:

**Category U:** Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

**Category A:** Trees of high quality with an estimated remaining life expectancy of at least 40 years.

**Category B:** Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.

**Category C:** Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.

- 2.6 Whilst the assessment of a tree's condition is a subjective process, Table 1 of BS5837 (see Appendix 2) gives clear guidance on the appropriate criteria for categorising trees and, in particular, the factors that would assist the arboriculturist in determining the suitability of a tree for retention. BS 5837 makes a clear distinction between trees on development sites and trees in other situations where the factors that determine the retention and management of trees may be different.
- 2.7 The survey was undertaken on the morning of 3<sup>rd</sup> March 2014, at that time the weather was cold but bright. The significant trees have been identified on site using oval, aluminium tags stapled onto the tree stems at circa 2m above ground level, the numbers used run from 0340 to 0374 inclusively.

### 3 The Site

- 3.1 The site is located on the western edge of the rural village of Murthly within the administrative area of Perth and Kinross Council. The site appears to have been part of the woodland garden of an adjacent property to the north historically. With regards to the planning application; Mr. and Mrs. Peter Osbaldstone are the applicants for the site.
- 3.2 The site is accessed from a private track that runs from the B9099, a public highway to the east of the site. The site adjoins dwellings to the east, and west, shares a boundary with the woodland garden to the north and adjoins the private track on the south side of the site.
- 3.3 There are a number of individual mature trees within and adjacent to the site; with many self-set younger trees of a relatively small size growing in groups.
- 3.4 The site falls gently from north to southwest towards the private track.
- 3.5 Arboretum Internationale is not party to information regarding any underground services within the site or any formal tree protection.

## 4 Existing Trees

- 4.1 Thirty-five individual trees were identified in the survey. All of these are growing within the site and are included herein as they may, potentially, be affected by the proposals or their presence may have some other bearing on the development or appearance of the site.
- 4.2 NOTE: Full access to any trees located in adjoining properties was not available and this assessment is based upon observations made from within the site or other public places.
- 4.3 Six trees, nos. 0352, 0354, 0358, 0359, 0372, and 0373 are graded as Category U; that is they are defective to the point that their early removal is desirable.
- 4.4 The remaining individually numbered trees are graded as Category C; trees are of low quality, limited life expectancy, and low individual landscape value but with some screening value.
- 4.5 The surveyed trees are listed in the schedule at Appendix 1 which includes a key with explanatory notes. A tree constraints plan based on the existing sketch plan is included as Plan 1.

## 5 Recommended Tree Works

- 5.1 In accordance with recommendations in BS5837, the tree survey schedule (Appendix 1) includes preliminary recommendations for works that should be carried out in the interests of good arboricultural practice.
- 5.2 These recommendations are made in the knowledge that the site is the subject of development proposals and that the nature and extent of works would not perhaps be appropriate if the future use of the site were different. For example BS5837 recommends that any trees 'in such condition that their existing value would be lost within ten years' should be removed, this may not be appropriate in sites where development is not being considered.
- 5.3 It is emphasised that any recommendations for tree works are of a preliminary nature and are made without reference to specific development proposals. Further assessment of tree work requirements in relation to the development may be required. It appears feasible to adopt a construction method that is conducive to some tree retention.
- 5.4 Before authorising these, or any other tree works, the local planning authority should be consulted to ensure appropriate cognisance is taken of any planning restrictions relating to trees. If restrictions apply to tree works then any necessary consent should be obtained before works are carried out.
- 5.5 It is also essential that the ownership of any boundary trees is verified prior to proceeding with any recommended works.

- 5.6 All tree works should be carried out in accordance with British Standard 3998: 2011 'Tree work - Recommendations' and by a suitably qualified and insured tree contactor.

## 6 Tree Constraints

- 6.1 The data collected during the tree survey data provides the basis for identifying the above ground or below ground constraints that may imposed on the site by those trees worthy of retention.
- 6.2 Below ground constraints are indicated by the root protection area (RPA) for each tree which is calculated in accordance with guidance provided within paragraph 4.6 of BS5837. The RPA is the recommended area in square metres that should be left undisturbed around each tree to be retained to ensure that damage to its roots or rooting environment is avoided.
- 6.3 In the case of open grown trees with an even, radial root distribution it would be normal for the boundaries of the RPA to be equidistant from the trunk of the tree. However, BS5837 acknowledges that the disposition of tree roots can be significantly affected by a number of factors and that the actual position of the RPA will be influenced by specific tree and site factors. These factors are to be assessed by the arboriculturist and appropriate adjustments to the siting of the RPA made.
- 6.4 The RPA for each individual tree is detailed in Appendix 1 and shown on the Tree Survey Plan (Plan 1) as circles coloured to reflect the descriptions in Table 2 of BS5837:2012; where appropriate, root protection areas have been offset into the site where conditions are likely to be more conducive to root development.
- 6.5 Above ground constraints are indicated by the crown clearance height recorded in the tree schedule.
- 6.6 Potential damage to structures by the future growth of trees is not considered here. (See BS5837:2012 Annex A, and NHBC Standards Chapter 4.2)

## Part 2 ARBORICULTURAL IMPLICATIONS ASSESSMENT

### 7 Development Appraisal

- 7.1 The proposed development involves the construction of a single residential unit in the form of a detached house and separate car port with access to be routed from the private track to the south.
- 7.2 The development may require the removal of trees to facilitate the construction phase of the project; however in the long term the remaining trees will acquire a defined ownership with a vested interest in the safety and visual amenity of those trees that should be beneficial in their ongoing care and maintenance.
- 7.3 There are no known existing underground services on the site.

### 8 Impact on Existing Trees

- 8.1 The primary objective, in arboricultural terms, is the retention of as many appropriate trees as is practicable. Quite apart from the requirement to retain some of the existing character, the presence of trees is generally accepted as being beneficial to the environment. The following is an assessment of the effects of the proposed development on existing trees and the future landscape.

- 8.2 Tree removals and pruning to facilitate the development.

8.2.1 The proposed development of this site is likely to require the removal of eleven significant trees nos. 0340, 0341, 0342, 0343, 0344, 0345, 0349, 0355, 0367, 0368 and 0369; these trees are situated on the southern side of the site and it is difficult to envisage their safe retention in close proximity to a new dwelling and the required access to the property, in many cases the proposed building footprint does not allow for tree retention.

8.2.2 Some minor tree pruning will be required in the construction of the new dwelling, this will be determined by the final positioning of the building footprint and the preferred routes for utility services.

8.2.3 A schedule of all required tree works including those recommended in the interests of good arboricultural practice is included at Appendix 1.

- 8.3 Encroachment within Root Protection Areas

8.3.1 The tree survey and accompanying plan that form the first part of this report provide details of the extent and disposition of RPAs of all trees, including any offsetting that is considered appropriate in relation to specific site conditions.

8.3.2 Ground works to prepare the existing ground for construction within or close to RPAs could, potentially, cause damage to trees and it is essential that this is carried out in a manner that prevents materials spilling onto unprotected soils within

RPAs and avoids excessive excavation or other forms of damage to underlying soils such as compaction for those trees to be retained.

8.3.3 Where the introduction of an access route from the private track to the south has the potential to cause damage to trees roots, the use of construction techniques to ensure that the access can be formed with a minimal amount of excavation will avoid damage being sustained by the retained trees. To minimise impact on trees should these excavations be required within the RPAs they should be carried out by hand and limited to the smallest possible dimensions.

8.3.4 The proposed location of the new property clearly indicates a conflict with the RPAs of eleven significant trees (see 8.2.1 above). It will not possible to take this development forward without the removal of these trees.

8.3.5 Access within the RPAs of trees may be required during the construction process and in these areas it will be necessary to use ground protection to ensure that soils are protected against compaction or other disturbance.

#### 8.4 Underground Services

8.4.1 No information has been provided regarding underground services however there is scope for any new services to be installed outside RPAs.

8.4.2 Should it be necessary however to install or upgrade underground services within RPAs it should be carried out in accordance with Volume 4 of the National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees, 2007 (NJUG Vol.4) and under the supervision of the arboriculturist.

## Part 3 ARBORICULTURAL METHOD STATEMENT

### 9 Tree Protection - General Measures

- 9.1 BS5837 requires that the RPA of all retained trees are protected from the effects of development by the installation of protective barriers. It should be noted however, that the position of these barriers may also be influenced by the presence of any tree canopies that extend beyond the RPA and that could be damaged by construction works or where it is desirable to protect areas for future tree planting.
- 9.2 In addition to protecting retained trees, BS 5837 recommends that areas of the site in which new or replacement tree planting is proposed should also be protected from the effects of construction.
- 9.3 The protective barriers demarcate the 'Construction Exclusion Zone' (CEZ) and should be installed prior to the commencement of any construction works, including clearance or demolition. They should be maintained for the duration of the works. All weather notices should be erected on the barriers with words such as 'Construction exclusion zone – Keep out'. Protective barriers should be in accordance with Figure 2 of BS5837:2012 (or similar accepted), a copy is included as Appendix 3.
- 9.4 The position of protective barriers and the boundary of the CEZ are shown as a blue hatched area in the Tree Protection Plan (TPP) included as Plan 2.
- 9.5 The area within the CEZ is to be regarded as sacrosanct and protective fences and barriers should not be taken down without the written approval of the Local Planning Authority, or where present, the supervising Arboricultural Consultant.
- 9.6 Ground Protection
- 9.6.1 Where it is necessary, for the construction operation, to permit vehicular or pedestrian access within the RPA, for example to erect scaffolding, retained trees should be further protected by a combination of barriers and ground protection.
- 9.6.2 Ground protection should be of sufficient strength and rigidity to prevent disturbance or compaction to the soil underneath. In areas of heavy and/or continued usage it is advised that the protection plates or mats are linked or connected and that they are placed over a bed of bark or wood chippings (100 to 150mm depth).
- 9.6.3 Contamination of the soil by any substances should be prevented by the use of geotextile fabric.
- 9.6.4 Do not raise or lower soil levels or strip topsoil around trees – even temporarily.
- 9.6.5 Avoid disturbing the natural water table level.
- 9.6.6 Do not light fires near trees.
- 9.6.7 Do not attach notice boards, telephone cables or other services to any part of a tree.

9.6.8 No construction materials should be stored within root protection areas. Toxins such as diesel, petrol, or cement should be suitably stored to prevent such substances leaching into the soil.

9.6.9 Particular care and planning is necessary to accommodate the operational arcs of excavation, unloading and lifting machinery, including their loads, especially large building components such as beams and roof trusses. Operations like these have the potential to cause incidental damage to trees and logistical planning is essential to avoid conflicts. Any movement of plant and materials in close proximity to trees should be conducted under the supervision of a banksman to ensure that adequate clearance from trees is maintained at all times.

## **10 Site Specific Tree Protection Measures**

- 10.1 Prior to the commencement of any other works, any tree pruning or removal works specified in Appendix 1, should be carried out by an appropriately qualified and insured tree contractor and in accordance with British Standard 3998: 2010 'Tree work - Recommendations'.
- 10.2 Following all preparatory tree and vegetation clearance works, tree protection barriers and any ground protection in accordance with BS5837:2012, Figure 2 (Appendix 3) shall be installed in the semi-permanent positions indicated in Plan 2, and shall remain in place for the duration of the construction works.
- 10.3 The position of any site huts, materials storage, and any on site car parking for contractors should be clearly identified. These should be outside root protection areas unless special arboricultural advice is obtained and any recommended additional tree protection measures implemented.
- 10.4 Whilst some works within RPAs may be necessary, great care shall be taken to remove just that length of protective fencing required to facilitate the works and to ensure that it is re-installed immediately upon completion. When new surfaces are completed these may be used for access purposes however precautions to prevent the spillage or leaching of materials into underlying soils shall be implemented. Under no circumstances shall vehicles travel across or materials be stored upon unprotected soils within RPAs.
- 10.5 Tree protection measures shall remain in place until completion of the development; they may only be removed to facilitate post development landscaping.

## **11 New Hard Surfaces within RPAs**

- 11.1 Where construction of any access and or parking area is required within RPAs this shall be carried out by building above existing levels using a 'no dig' methodology that incorporates a cellular confinement system to provide stability. In addition, the use of permeable materials will allow the passage of moisture and essential gases through to tree roots below.
- 11.2 Where access within RPAs may be required for construction purposes, these surfaces should either be formed at the beginning of the construction period or robust



ground protection installed that has sufficient strength and rigidity to withstand any expected loading without causing compaction or other damage to the ground below. Under no circumstances should construction traffic be permitted to travel across unprotected ground within RPAs.

- 11.3 The principles of 'no dig' construction close to trees are explained in Appendix 4 and in APN 12 'Through the Trees to Development' published by the Arboricultural Advisory and Information Service (APN 12). The final specification shall be determined by a suitably qualified engineer in conjunction with the arboriculturist.

## 12 Underground Services

- 12.1 Where possible all new underground services shall be routed to avoid passing through the RPAs of retained trees.
- 12.2 If the installation or upgrading of underground services within RPAs is unavoidable it shall be carried out in accordance with National Joint Utilities Group Guidelines (2007) Volume 4 'Guidance for the Planning, Installation and maintenance of Utility Apparatus in Proximity to Trees' (NJUG) and under the supervision of the Arboriculturist.

## 13 Arboricultural Supervision

- 13.1 The Arboricultural Consultant shall attend an initial site meeting with the Project Manager and the Site Manager prior to the commencement of **ANY** works on site. At this meeting the programme of works will be reviewed and an outline schedule of visits by the Arboriculturist will be determined and agreed.
- 13.2 Site visits by the Arboriculturist should coincide with key stages of the development and in particular:
- Any preliminary arboricultural works or site clearance
  - The installation of tree protection measures
  - Any works within CEZs such as the removal of hard surfaces or installation of underground services or new hard surfaces.
  - Any change in site or project manager personnel
- 13.3 This schedule may be subject to later review and may be influenced by unforeseen events or where there has been a failure in the maintenance of approved tree protection measures. A copy of the outline schedule of visits by the Arboricultural Consultant will be submitted to the LPA for their records who will be informed by phone, email or in writing of any changes, variations or amendments.
- 13.4 Particular attention must be given to any works of any nature that have to be undertaken within CEZs. These must be carried out under the direct supervision of the Arboriculturist.
- 13.5 The Arboriculturist should be available to attend any site meetings at the request of the LPA.
- 13.6 In addition, the Arboriculturist should be available in the event that any unexpected conflicts with trees arise.



- 13.7 The Arboriculturist should keep a written log of the results of all site inspections and note any changes to the schedule of site visits. Any contraventions of the tree protection measures or other incident that may prejudice the well being of retained trees shall be brought to the attention of the site manager in the form of a written report. Copies of the inspection log and any contravention reports will be available at the site for inspection by the Local Planning Authority at all times.

## 14 CONCLUSION

- 14.1 These development proposals have been assessed in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).
- 14.2 The removal of six young self-set trees is recommended in the interests of good arboricultural practice.
- 14.3 The proposed development requires the removal of eleven significant trees, nos. 0340, 0341, 0342, 0343, 0344, 0345, 0349, 0355, 0367, 0368, and 0369.
- 14.4 All trees identified for retention will be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works.
- 14.5 The strict observance of the Arboricultural Method Statement, together with any additional guidance from the arboriculturist will ensure the successful integration of these proposals with retained trees.

## 15 RECOMMENDATIONS

- 15.1 The works specified in the schedule of tree works at Appendix 1 should be carried out in the interests of good arboricultural practice.
- 15.2 All tree works should be carried out in accordance with British Standard 3998: 2010 'Tree work - Recommendations' and by a suitably qualified and insured tree contactor.
- 15.3 The tree protection measures detailed in this report should be implemented and supervised by an appropriately experienced Arboriculturist.
- 15.4 The statements in this Report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire. Arboretum Internationale Ltd. cannot therefore accept any liability in connection with these factors, nor where prescribed work is not carried out in a correct and professional manner in accordance with current good practice. The authority of this Report ceases at any stated time limit within it, or if none stated after two years from the date of the survey or when any site conditions change, or pruning or other works unspecified in the Report are carried out to, or affecting, the subject tree(s), whichever is the sooner.

## Appendix 1

### Schedule of Trees

**'Tree no.'** Utilises nos. 0340 to 0374 inclusively to reflect the numbered tags affixed to the trees on site.

**'Species'** Trees are described with both botanical and common names where possible.

**'Age Class'** may have been recorded in the Tree Schedule in the following terms: **NP** (newly planted) – tree still supported by staking or other support, **Y** (young) - less than one-third life expectancy, **EM** (early-mature) – one-third to two-thirds life expectancy; **M** (mature) – more than two-thirds life expectancy, **OM** (over-mature) – beyond the normal life expectancy.

**'Tree height'** (Height) is given in metres; heights have been measured by laser device to the nearest 10cm where possible.

**'Crown height'** This figure recorded in metres reflects the average height of the tree canopy above ground level where GL appears in this column the tree crown begins at ground level.

**'Diameter at Breast Height'** (single DBH): this measurement, recorded in millimetres, has been taken with a girthing tape at 1.5m above ground level except; where a measurement was taken at a different height that height is recorded below the figure given for the DBH; where the DBH was estimated the measurement is preceded by the letter E; where more than one stem was measured this is denoted below the DBH as a number followed by the letter S e.g. 4S. Where an 'x' appears in this column the figures have not been calculated as the tree is identified for removal. Where parts of this column are 'greyed out' there is no requirement for any information.

**'Diameter at Breast Height'** (multiple DBH): these measurements, recorded in millimetres (in grey text), have been taken with a girthing tape at 1.5m above ground level; exceptions to this are noted in the in the column for single DBH (see conventions above). A squared average total is also noted in this column (in black text). Where parts of this column are 'greyed out' there is no requirement for any information.

**'Crown Spreads'** where included have been determined by measuring the longest horizontal distance, to the nearest half metre, from vertically beneath the edge of the canopy to the stem of the tree at the four significant compass points. Where an asterisk precedes the figure this indicates that it has been estimated.

**'General observations':** the 'health' or 'vitality' of the tree (assessed by comparison of the number, size and colour of the leaves and the length of annual twig extension growth with what would be expected for an average tree of equivalent age, of the same species) may be described as **Good** - Showing correct leaf colour / density and / or expected twig extension growth. Any wound wood present is seen to be forming well. Very few and minor pathogens and / or pests present (if any) which should only affect visual amenity. **Fair** - Meets the expected average in terms of leaf colour/density and/or twig extension growth. Host to more numerous minor pests and pathogens present; minor die back in areas of the canopy; a history of repeated and significant pruning; evidence of frequent, minor and moderate, naturally-occurring branch loss. **Poor** - Small and sparse leaf cover of an abnormal colour for the species; small increments in twig extension growth; host to significant pathogens and/or infestations of pests; significant crown die-back; a history of severe over-pruning with poor wound-wood development. Where technical terms are used to describe the cause of the defect, a definition, or further information will be found in the Glossary. Defects may be described as: **Minor** – Where the defect is small, shows no sign of instability and there is little concern with regard to safety or tree health and form; **Moderate** – Where the defect is likely to fail with some risk in relation to safety and/or tree health or form, or where the defect significantly affects tree form; **Major** – Where the defect is likely to fail with significant risk to persons and/or property. Severe damage, whole tree failure and/or tree death may occur, or where the defect dramatically affects tree form.

**'Management Recommendations':** generally, where practical tree-work operations are recommended, it is expected that these will be carried out to the British Standard BS 3998:2010 'Recommendations for tree work' as a minimum. Where removals are required to facilitate the development these are described in red text.

**'Contribution':** this is the estimated number of years for which the tree can be expected to make a safe, useful contribution to the tree cover on the site, before any remedial work is carried out. Where an '?' appears in this column further work is required to determine the retention category.

**'Retention Category':** the code letter in this column reflects the general desirability of the tree for retention on a development site, based on species, form, age, and condition. The definitions of these code letters are as follows: **A:** trees of high quality and value; **B:** trees of moderate quality and value; **C:** trees of low quality and value, which could be retained until replacement plantings have been established (the suffixed number after the code letter indicates the particular sub-category – 1 being mainly arboricultural values, 2: mainly landscape values, 3 Mainly cultural values, including conservation; **U:** trees which should be removed. Where an '?' appears in this column further work is required to determine the retention category.

**'Root Protection Area Radius':** This figure (recorded in metres) is that to be used to determine the correct location for the erection of protective fencing based on a circular Root Protection Area. Where an 'x' appears in this column the figures have not been calculated as the tree is identified for removal.

**'Root Protection Area Calculations':** these figures are derived from the BS 5837 2012 calculations and are included here for completeness. It is reasonable for a competent arborist to modify the shape of a tree Root Protection Area; in doing so the figure in **black text** should be applied as the minimum area in **square metres** that should be available for tree root development. Where an 'x' appears in this column the figures have not been calculated as the tree is identified for removal.

Tree no.	Species	Age class	Height	Crown height	DBH Single	DBH Multiple	Crown spread	General observations	Management Recommendations	Contribution	Retention category	Root protection area RPA Radius	Root protection area Calculations
0340	<i>Quercus robur</i> English oak	EM	22.1	6.3	760		N 1.7 S 2.2 E 7.5 W 1.8	Moderate asymmetry to south.	Prune to improve symmetry. <b>Remove to facilitate development.</b>	>10	C	9	261.30 9.11 Single stem
0341	<i>Quercus robur</i> English oak	EM	22.3	10	990		N 0 S 4.3 E 5.3 W 3.7	Moderate asymmetry to south. Moderate broken and hanging branches in upper canopy.	Prune to improve symmetry and remove broken/hanging limbs. <b>Remove to facilitate development.</b>	>10	C	12	443.39 11.87 Single stem
0342	<i>Fagus sylvatica</i> Beech	Y	12.4	GL	430		N 7.5 S 7.5 E 4.4 W 4.3	No significant defects.	No work required. <b>Remove to facilitate development.</b>	>10	C	5.1	83.65 5.10 Single stem
0343	<i>Betula pubescens</i> White birch	Y	9	1	110		N 2.6 S 2.7 E 0 W 0.5	No significant defects.	No work required. <b>Remove to facilitate development.</b>	>10	C	0.9	5.47 1.00 Single stem
0344	<i>Acer pseudoplatanus</i> Sycamore	Y	10.9	1	230		N 3.1 S 3.8 E 2.8 W 1.5	No significant defects.	No work required. <b>Remove to facilitate development.</b>	>10	C	2.7	23.93 2.65 Single stem
0345	<i>Betula pubescens</i> White birch	Y	9.7	1	150 190 48/100 0 0		N 3 S 4.2 E 1.5 W 2.2	No significant defects.	No work required. <b>Remove to facilitate development.</b>	>10	C	2.4	21.76 2.45 Up to 5 stems
0346	<i>Salix caprea</i> Goat willow	Y	6.9	1	180		N 3.2 S 3.2 E 2.1 W 2.7	No significant defects.	No work required.	>10	C	2.1	14.66 2.00 Single stem
0347	<i>Betula pubescens</i> White birch	Y	8.9	1.25	270		N 2.8 S 3.5 E 3.4 W 3.3	No significant defects.	No work required.	>10	C	3.3	32.98 3.16 Single stem
0348	<i>Betula pubescens</i> White birch	Y	8.4	1	270		N 4.6 S 4.4 E 1.7 W 2.9	No significant defects.	No work required.	>10	C	3.3	32.98 3.16 Single stem
0349	<i>Betula pubescens</i> White birch	Y	9.8	1.2	130		N 0.9 S 1.1 E 2.5 W 2.1	No significant defects.	No work required. <b>Remove to facilitate development.</b>	>10	C	1.5	7.65 1.41 Single stem
0350	<i>Betula pubescens</i> White birch	Y	10.8	1.5	230		N 2.5 S 3.4 E 2.9 W 1.8	No significant defects.	No work required.	>10	C	2.7	23.93 2.65 Single stem
0351	<i>Betula pubescens</i> White birch	Y	8.7	1	140		N 4.2 S 3.5 E 0.7 W 1.6	No significant defects.	No work required.	>10	C	1.5	8.87 1.41 Single stem
0352	<i>Betula pubescens</i> White birch	Y	11.4	1	230		N 2.8 S 3.6 E 2.4 W 2	Major lean to north east, signs of historic, partial windblow.	Fell.	<5	U	2.7	23.93 2.65 Single stem

Tree no.	Species	Age class	Height	Crown height	DBH Single	DBH Multiple	Crown spread	General observations	Management Recommendations	Contribution	Retention category	Road protection area RPA Rating	Road protection area Calculations
0353	<i>Sorbus aucuparia</i> Rowan	Y	9.8	1	110	220 110 0	N 2.8 S 3.6 E 2.4 W 2	Major asymmetry to east	Prune to improve symmetry.	>10	C	2.7	246 27.37 2.83 Up to 5 stems
0354	<i>Betula pubescens</i> White birch	Y	7.4	1	110		N 1.9 S 3.2 E 1.6 W 0	Main stem broken at ca. 5m.	Fell.	<5	U	0.9	5.47 1.00 Single stem
0355	<i>Salix caprea</i> Goat willow	Y	10.5	1.5	110		N 1.2 S 1.3 E 0.7 W 0.7	No significant defects.	No work required. Remove to facilitate development.	>10	C	0.9	5.47 1.00 Single stem
0356	<i>Betula pubescens</i> White birch	Y	11.8	1.7	250		N 1.4 S 3 E 1.7 W 0.6	No significant defects.	No work required.	>10	C	3	28.27 3.00 Single stem
0357	<i>Betula pubescens</i> White birch	Y	12	2	120		N 2.4 S 2.9 E 0.9 W 0.5	No significant defects.	No work required.	>10	C	1.5	6.51 1.41 Single stem
0358	<i>Betula pubescens</i> White birch	Y	11.1	1	270		N 3.3 S 5 E 4.1 W 1.4	Moderate lean to north east, signs of historic, partial windblow.	Fell.	<5	U	3.3	32.98 3.16 Single stem
0359	<i>Betula pubescens</i> White birch	Y	10.1	6.5	110		N 1 S 2.9 E 0.4 W 0	Moderate lean to east, tall and drawn form.	Fell.	<5	U	0.9	5.47 1.00 Single stem
0360	<i>Betula pubescens</i> White birch	Y	13	1	130		N 2.9 S 1.9 E 0.9 W 0.4	No significant defects.	No work required.	>10	C	1.5	7.65 1.41 Single stem
0361	<i>Betula pubescens</i> White birch	Y	12.5	2.5	170		N 1.1 S 1.1 E 2.5 W 1.1	Minor broken and hanging branches in canopy.	No work required.	>10	C	2.1	13.07 2.00 Single stem
0362	<i>Betula pubescens</i> White birch	Y	14.3	1.5	220 110 0	220 110 0	N 1.3 S 3.1 E 1.6 W 0.8	No significant defects.	No work required.	>10	C	2.7	246 27.37 2.83 Up to 5 stems
0363	<i>Betula pubescens</i> White birch	Y	11.5	4	110		N 1.9 S 2.2 E 1.3 W 0.7	No significant defects.	No work required.	>10	C	0.9	5.47 1.00 Single stem
0364	<i>Betula pubescens</i> White birch	Y	15.2	8	190		N 1.6 S 1.3 E 1.5 W 1	No significant defects.	No work required.	>10	C	2.1	16.33 2.24 Single stem
0365	<i>Betula pubescens</i> White birch	Y	13.7	4	140		N 1.9 S 2.5 E 0.8 W 0.4	No significant defects.	No work required.	>10	C	1.5	8.87 1.41 Single stem

Tree no.	Species	Age class	Height	Crown height	DBH Single	DBH Multiple	Crown spread	General observations	Management Recommendations	Contribution	Retention category	Roof protection area RPA Radius	Roof protection area Calculations
0366	<i>Betula pubescens</i> White birch	Y	14.2	4	160		N 2 S 2.2 E 1.1 W 0.9	No significant defects.	No work required.	>10	C	1.8	11.58 1.73 Single stem
0367	<i>Sorbus sp.</i> Whitebeam type	M	13.2	0.5		400 400 440 0	N 6.3 S 5 E 6.2 W 6.3	Compression fork at 0.5m, moderate broken, hanging branches at 4m on east side.	Crown clean and crown thin by ca. 10%. <b>Remove to facilitate development.</b>	>10	C	8.4	232.35 8.54 Up to 5 stems
0368	<i>Quercus robur</i> English oak	EM	16.5	1.5	790		N 8.2 S 0.4 E 8.2 W 9.1	Major asymmetry to south west.	Prune to improve symmetry. <b>Remove to facilitate development.</b>	>10	C	9.3	282.34 9.43 Single stem
0369	<i>Pyrus sp.</i> Pear	EM	9.6	1		160 260 0 0	N 3.6 S 2.5 E 3.3 W 2	No significant defects.	No work required. <b>Remove to facilitate development.</b>	>10	C	3.6	322 46.91 3.74 Up to 5 stems
0370	<i>Sorbus sp.</i> Whitebeam type	Y	9.6	GL		110 210 160 150	N 1.1 S 2.5 E 4 W 5.5	No significant defects.	No work required.	>10	C	3.9	323 47.18 3.87 Up to 5 stems
0371	<i>Sorbus sp.</i> Whitebeam type	Y	9	GL		170 110 100 100 150 no. no.	N 5.5 S 2.8 E 3.5 W 5.5	No significant defects.	No work required.	>10	C	11.4	102264 402.86 11.31 Over 5 stems
0372	<i>Fagus sylvatica</i> Beech	Y	17	1	410		N 28 S 1.2 E 5.6 W 6.7	Poor form, major compression fork T 1.5M, many rubbing branches throughout.	Fell.	<5	U	4.8	76.05 4.90 Single stem
0373	<i>Fagus sylvatica</i> Beech	Y	10.7	2.5	270		N 2 S 0 E 4.2 W 3.7	Poor form, major compression fork T 1.5M, many rubbing branches throughout.	Fell.	<5	U	3.3	32.98 3.16 Single stem
0374	<i>Fagus sylvatica</i> Beech	EM	19.3	4	410		N 19 S 5.9 E 5.4 W 5.6	No significant defects.	No work required.	>10	C	4.8	76.05 4.90 Single stem

## Appendix 2

### Cascade chart for tree quality assessment

#### Category and definition Criteria (including subcategories where appropriate) Identification on plan

##### Trees unsuitable for retention (see Note)

##### Category U

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning). Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality.

*NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve;*

**1 Mainly arboricultural qualities 2 Mainly landscape qualities 3 Mainly cultural values, including conservation.**

##### Trees to be considered for retention

##### Category A

**Trees of high quality** with an estimated remaining life expectancy of at least 40 years. Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue). Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features. Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture).

##### Category B

**Trees of moderate quality** with an estimated remaining life expectancy of at least 20 years. Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation. Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality. Trees with material conservation or other cultural value.

##### Category C

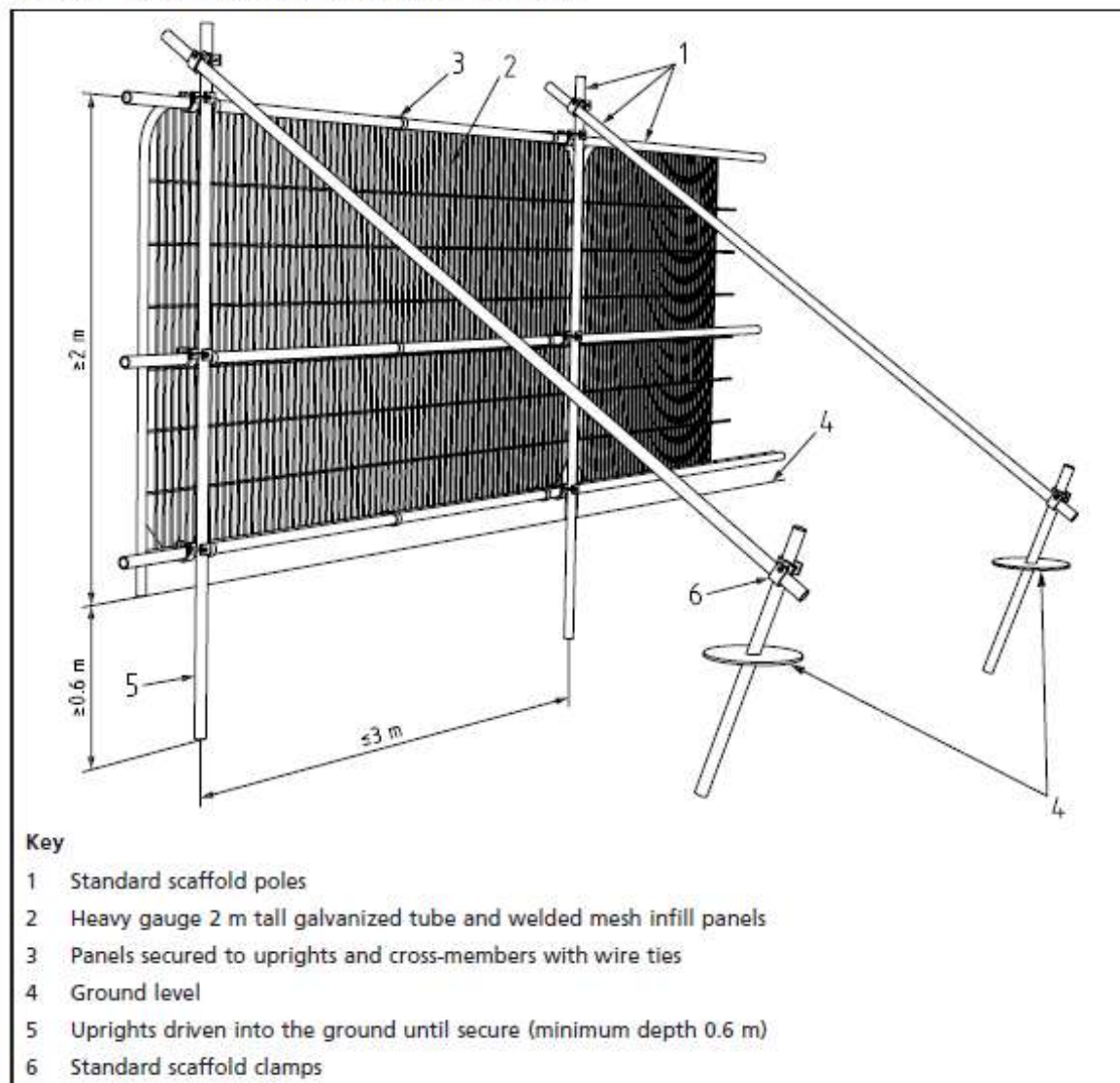
**Trees of low quality** with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm. Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories. Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits. Trees with no material conservation or other cultural value.



## Appendix 3

### BS5837: 2012 Figure 2

Figure 2 Default specification for protective barrier



## Appendix 4

### Construction Principles of 'No Dig' Hard Surfaces Close to Trees

Special construction methods are required for hard surfaces within root protection areas [RPAs] of retained trees. Whilst the following information provides guidance in the principles of such construction, the final specification shall be determined in conjunction with a suitably qualified engineer and guidance from the manufacturers of the products used.

#### **Important points to remember about tree roots:**

- most tree roots are located in the top 600mm of soil, many are just below the surface,
- very fine, fibrous roots are just as important as large woody roots, they are easily damaged and prone to drying out,
- roots need moisture and oxygen to survive,
- soil compaction kills roots by reducing the soil's capacity to hold water and oxygen,
- 80% of compaction is caused by the first passage of a vehicle over soil,
- non permeable surfaces and damage to the soil surface such as smearing or panning prevents water penetration and gaseous exchange.

#### **'No dig' hard surfaces near trees should:**

- cause minimal disturbance to soils, both during construction and in the long term,
- provide a stable, permanent surface of sufficient strength and durability for its purpose,
- include a three dimensional cellular confinement system such as 'Geogrid' or 'Cellweb',
- be constructed using porous materials to enable percolation of water and gaseous exchange, e.g. gravel, porous tarmac or brick paviors with nibbed edges, joints should be filled with 6mm diameter washed aggregate to maintain porosity (not sand).

#### **Construction principles:**

- surface vegetation should be removed using an appropriate systemic herbicide that will not harm retained trees or manually, using hand tools,
- minor levelling of the existing surface can be carried out where necessary, but using hand tools only; hollows can be filled with sharp sand,
- any exposed roots should be covered with good quality top soil immediately to prevent them drying out; any damaged roots should be cut cleanly with a hand saw/ secateurs,
- tree stumps shall be removed using a stump grinder rather than by digging to minimise disturbance,
- no vehicles or machinery shall travel over unprotected soil surfaces near trees. Where it is necessary to move materials used in the construction of the surface they should be transported on the laid sub base as it is 'rolled out' through the RPA,
- the construction of the path or road should be carried out off an already completed section of the surface – not from bare ground,
- the completed surface may require protection if it will be used for access during the construction period, especially where it may see frequent use by heavy machinery.



## Appendix 5

### Removal of Debris Near Trees

1. The removal of any material should be carried out from outside the RPA whenever possible and from within the footprint of the existing building or surface where this is within the RPA of a tree.
2. The excavation of the material must not extend into the soil underneath. In practical terms the bucket of the excavator must be used so that the cutting edge is horizontal so that any disturbance of the underlying soil is kept to an absolute minimum. The cutting edge of the bucket should be flat and without 'teeth' to further reduce the risk of root damage. Where the surfacing is very thin and/or roots are very near the surface, the digging should be done manually.
3. Any exposed tree roots should be covered with good quality top soil immediately to prevent them drying out. Any damaged roots should be cut cleanly with a hand saw or secateurs.
4. Debris and rubble of any type must not be stockpiled within the RPA of the tree and must be exported without crossing the RPA.
5. Due care and planning must be taken to ensure that the operational arcs of excavators do not damage the crowns of retained trees.
6. Where new surfacing is to be installed, if the depth of the old surface is insufficient, the wearing surface may need to be higher than existing in order to accommodate the appropriate thickness. There may be a requirement for a geo-textile membrane to be laid on the soil surface, but this is an engineering matter dependent upon soil type. The separation is beneficial for root development.
7. Where the old surface is taken up and not replaced, the infill should be of good quality topsoil laid without compaction.

## Appendix 6

### Further Information

- Anon (2010) **British Standard Recommendations for Tree Work BS 3998: 2010**  
British Standards Institution  
2 Park Street, London W1A 2BS
- Anon (2012) **British Standard Recommendations for Trees in relation to design, demolition and construction BS 5837: 2012**  
British Standards Institution  
2 Park Street, London W1A 2BS
- Lonsdale D. **Principles of Tree Hazard Assessment & Management**  
DETR, Elland House, Bressenden Place, London
- Mattheck C.  
Breloer H. (1994) **The Body Language of Trees –A Handbook for Failure Analysis.**  
DOE Arboricultural Advisory and Information Service  
Alice Holt Lodge, Farnham, Surrey
- Mitchell A. (1989) **The Trees of Great Britain and Northern Europe**  
Collins, Grafton Street, London
- Strouts R. G.  
Winter T. G. (1994) **Diagnosis of Ill-Health in Trees**  
DOE Arboricultural Advisory and Information Service  
Alice Holt Lodge, Farnham, Surrey
- Anon (2007) **National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees**  
One Castle Lane, London, SW1E 6DR
- Anon (2007) **Arboricultural Practice Note 12 'Through the Trees to Development**  
Alice Holt Lodge, Wrecclesham, Farnham, Surrey, GU10 4LH

## Appendix 7

### Glossary

Terms used with specific arboricultural meaning.

<b>AFAG</b>	Arboriculture And Forestry Advisory Group – the body charged by the HSE with producing industry best practice guidance for the forestry and arboriculture industries.
<b>Canopy/crown</b>	The limbs and branches of a tree from above the stem or bole.
<b>Compression fork</b>	A non-shape optimised branch union, often associated with included bark, which is considered a structural defect.
<b>Crown clean</b>	The pruning out of dead, dying, and defective branches, usually in association with a crown-thin.
<b>Crown thin</b>	The removal of a stipulated percentage of the small diameter shoots and branches throughout the canopy to provide a uniform reduction in the visual density. The operation is usually performed to reduce the wind-resistance of the canopy and thereby improve the stability of the tree/reduce the risk of branch breakage.
<b>VTA</b>	(Visual Tree Assessment) a ground-based investigation looking for tree defects based on the principle that a tree is a self-optimising structure, which attempts to maintain even stress over its entire surface by preferentially adding wood to overloaded areas (weak points). This additional wood shows up as abnormal bulges whose significance the VTA inspector is trained to determine through comparison with a normal (undamaged) tree.
<b>Windthrow(n) Windblow(n)</b>	The process and result of trees failing at the root collar or edge of root-plate in high winds, leaving them lying horizontally often with exposed root plates.

## Appendix 8

**Paul Hanson**

Ochil Cottage, Main Road, Guildtown, Perthshire, PH2 6BS, Scotland

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### Description of current role (from 1997)

Managing director of Arboretum Internationale Ltd., responsible for the day to day operations of the company, charged with maintaining high standards of quality and safety including that of any subcontractors. Duties include the pursuance of new business initiatives in the areas of arboricultural consultancy, training, and specialist contracting worldwide. Arboretum Internationale delivers a professional consultancy service addressing issues of tree safety, personal injury at work and the increasingly complicated field of trees within the planning system. Our team works as expert witnesses guiding legal counsel in matters relating to injuries and property damage where there is an arboricultural involvement. Since its inception in 2005 (revised in 2010) we have employed the guidance given in BS5837 'Recommendations for trees in relation to construction', liaising with architects, town planners, developers and home owners to achieve a maximum return financially and aesthetically allowing appropriate development in proximity to trees. Arboretum Internationale has extensive experience of working with clients to achieve sensible compromise solutions for trees located in Conservation Areas, or subject to Tree Preservation Orders and Planning Conditions throughout Scotland. Hazard tree and tree safety inspections are an integral part of our normal tree reporting systems, in addition to which we provide a bespoke dedicated tree assessment under the auspices of QTRA (Quantified Tree Risk Assessment). In recent years we have become one of the leading exponents of veteran tree management, striving to retain old, often defective trees with invaluable and dependant flora and fauna in locations with high public use. We regularly employ unusual management options to create effective solutions including the installation of propping and bracing systems, re-routing access, excluding under canopy areas (by fencing) and performing conservation pruning operations.

### Previous experience

**1995-97 Arboricultural Consultant**, with the Scottish Agricultural College, delivering arboricultural consultancy and specialist training throughout Scotland. Responsible for the development of new business opportunities in the production and environmental sectors of the industry, liaising with other specialist advisors within SAC as required; participating in skills based and academic education programmes, accompanied by active pursuit of research and development.

**1990-95 Arboricultural Manager**, Continental Landscapes, Nottingham, responsible for the daily operation of a tree surgery team in the Midlands area; having a wider remit to supervise tree surgery in the northern area of the company's contracting field, ensuring work carried out to recognised national standards. 'In-house' company arboricultural trainer.

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### MEMBERSHIP OF PROFESSIONAL BODIES

Registered in the UK Register of Expert Witnesses (No. JSP/E3420)  
Registered in the Law Society of Scotland, Directory of Expert Witnesses (No. 4362)  
Registered with Expert Witness – Expert Consultant (No. EW4352-22-S)  
Associate member of the Arboricultural Association (No. 200118)

### COMMITTEE WORK & OTHER ACTIVITIES

Chairman of the Arboricultural Association's Scottish Branch (2008- )  
Trustee of the Arboricultural Association (2001-2004)  
Chairman of the Arboricultural Association's Scottish Branch (1997-2001)  
Panel member of National Proficiency Tests Council 'Utility Arboriculture Standards Committee' (1999-2006)  
Scottish representative on the Arboricultural Association's Commercial Committee (1996-98)

### RELEVANT QUALIFICATIONS

AA Technicians Certificate  
ISA Certified Arborist 1997 - 2009  
RFS Certificate in Arboriculture  
Licensed user of the Quantified Tree Risk Assessment System (no.1358)  
Lantra Professional Tree Inspector

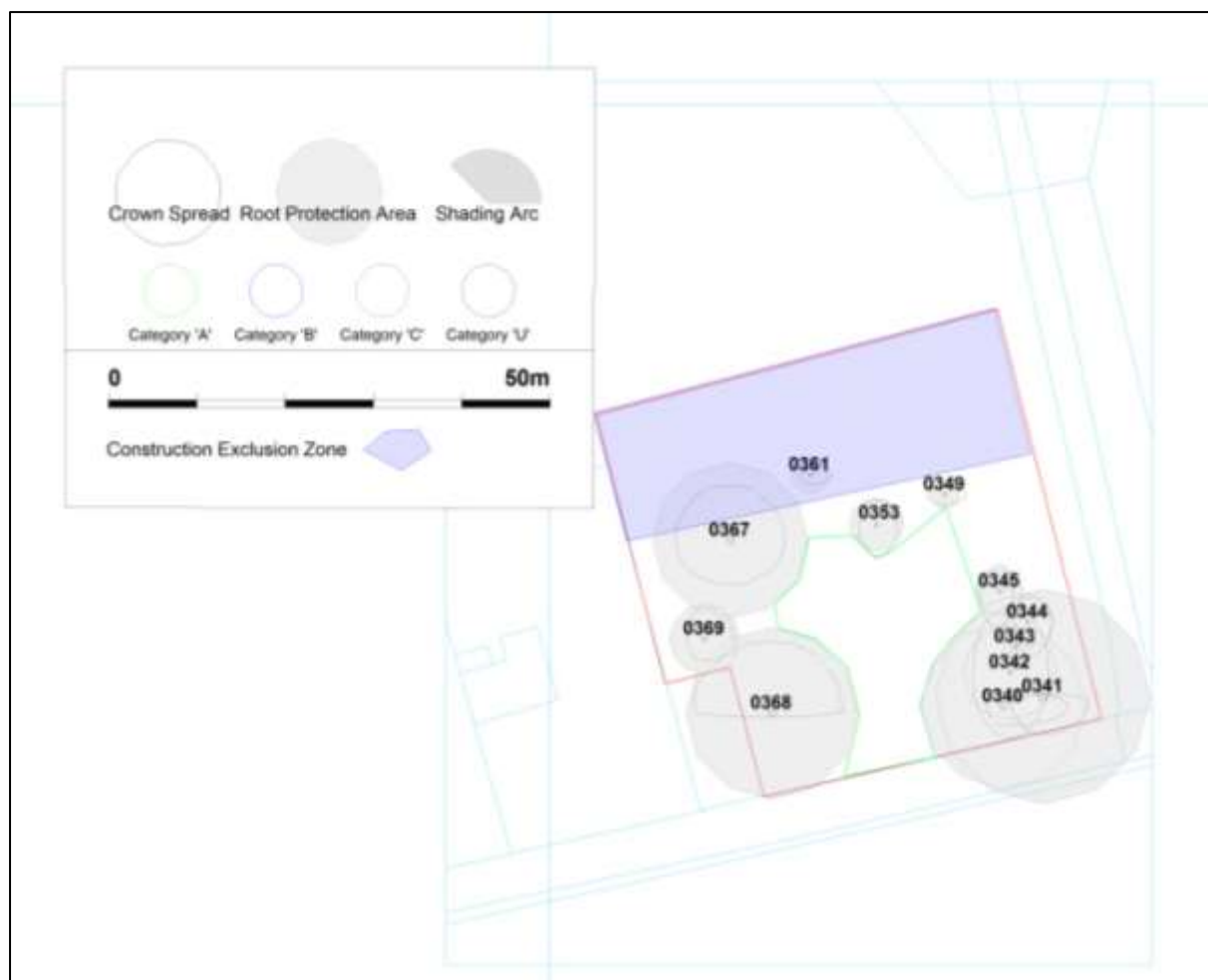
## **Site Plan 1**

### **Tree Survey and Constraints Plan**



## **Site Plan 2**

### **Tree Protection Plan**





**TCP/11/16(335)**

**Planning Application 14/01375/AML – Erection of dwellinghouse and carport (matters specified by conditions), land 110 metres south west of Little Bradyston, Murthly**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENT** *(part included in applicant's submission, see pages 419-458)*



# PERTH AND KINROSS COUNCIL

Mr P Osbaldstone  
c/o Norman MacLeod  
18 Walnut Grove  
Blairgowrie  
PH10 6TH

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 3rd October 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01375/AML**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 4th August 2014 for permission for **Erection of dwellinghouse and carport (matters specified by conditions) Land 110 Metres South West Of Little Bradyston Murthly** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal does not accord with the terms of Condition 3 of the related in principle consent (Ref: 13/00688/OUT) as the proposed house is not single storey in height and its design does not reflect the traditional local architectural character of the area.
2. The proposal does not accord with the terms of Condition 2(e) and 6 of the related in principle consent (Ref: 13/00688/OUT) as the tree protection plans submitted with the tree survey date 24th July 2014 are not to scale and are not clearly legible.
3. The proposed development is contrary to the Policies PM1A of the Perth and Kinross Local Development Plan 2014 as the scale and design of the proposed dwelling does not reflect the traditional local architectural character of the area.

## **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](http://www.pkc.gov.uk) "Online Planning Applications" page

### **Plan Reference**

14/01375/1

14/01375/2

14/01375/3

14/01375/4

14/01375/5

14/01375/6

14/01375/7

14/01375/8

14/01375/9

14/01375/10

14/01375/11

14/01375/12

# PERTH AND KINROSS COUNCIL

Murthly Estate  
Bidwells  
5 Atholl Place  
Perth  
PH1 5NE

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 28 May 2013

Town and Country Planning (Scotland) Acts.

Application Number **13/00688/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 5th April 2013 for planning permission in principle for Erection of dwellinghouse (in principle) 110 Metres South West Of Little Bradyston Murthly subject to the undernoted conditions.

Development Quality Manager

## Conditions Referred to Above

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
2. The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
  - a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
  - b) The siting design, height and external materials of all buildings or structures;

- c) Details of vehicular access to the site and the provision of two car parking spaces and turning facilities.
  - d) Details of all landscaping, planting, screening and boundary treatment.
  - e) A detailed tree survey to the requirements of BS 5837 2012 to indicate those trees required for removal and those to be retained and protection measures for retained trees
3. In pursuance of condition 2b) the house to be constructed on the site shall be single storey in height and shall reflect the traditional local architectural character of the area both in terms of its design and construction materials, all the to satisfaction of the Planning Authority.
4. In pursuance of condition 2c) the scheme shall include;
- i) Turning facilities to enable all vehicles to enter and leave in a forward gear which shall be formed prior to the occupation of the dwellinghouse
  - ii) A layout to accommodate a minimum of two car parking spaces which shall be formed prior to the occupation of the dwellinghouse
  - iii) Suitable storage for waste disposal/collection which shall be formed prior to the occupation of the dwellinghouse
5. In pursuance of condition 2(d) the scheme shall include;
- i) The location of new trees, shrubs hedges, grassed areas and water features.
  - ii) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
  - iii) The location design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development, or such date as may be agreed in writing with the planning authority.

Any planting which, within a period of 5 years from the completion of development, in the opinion of the planning authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

6. In pursuance of condition 2(e) the scheme shall include;
- A detailed tree survey and tree constraints plan in accordance with BS5837:2012 Trees in relation to construction'.
- a) The tree survey shall clearly indicate the location of trees and their crown spread which are within or bordering the site on a scalable plan, allocate them a reference number, provide an assessment of their general state of health and stability and provide details of any topping, lopping or felling required. Trees and shrubs on the north boundary should be retained to provide a landscape boundary to the edge of the settlement.
  - b) The tree constraint plan shall clearly detail the trees to be retained and identify there root protection area (RPA) on a scalable plan, the location of protective fencing for the retained trees shall be marked on this plan and a specification of the protective fencing provided. Any works required to be undertaken within the RPA of the retained trees shall be detailed. The tree constraint plan shall also show details of those trees proposed for removal.

- c) That the erection of protective fencing shall be undertaken in accordance with the plan and fencing specification approved under section (b) of this condition before any equipment, machinery or materials are brought on to the site for the purposes of the development. Thereafter the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced and the ground levels within those areas shall not be altered nor shall any excavation be made unless details have been approved under paragraph (b) or written consent from the Planning Authority has been sought.
7. The development shall be in accordance with the requirements of the Council's Developer Contributions Guide November 2012, all to the satisfaction of the Council as Planning Authority.

### **Reasons for Conditions**

1. In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
2. This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
3. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
4. In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 5-6. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
7. In the interests of reviewing educational capacity.

### **Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **Notes**

1. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

### **Plan Reference**

13/00688/1

13/00688/2

13/00688/3





# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	14/01375/AML	
Ward No	N5- Strathtay	
Due Determination Date	03.10.2014	
Case Officer	David Niven	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of dwellinghouse and carport (matters specified by conditions)

**LOCATION:** Land 110 Metres South West Of Little Bradyston Murthly

### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 3 September 2014

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to an area of land adjacent to Bradyston House, located approximately 530m west of the village of Murthly. The site is an

undeveloped area of ground extending to approximately 2300sqm that forms a gap site within a small rural cluster of traditional dwellings. The site is bound to the south by a private access, to the west by a row of two semi detached traditional estate cottages, to the north by mature woodland, and to the east by the large dwelling at Little Bradyston. Immediately to the east of the site also lies the private driveway access to the category B listed Bradyston Farmhouse which is located to the north of the application site.

Planning permission in principle was granted in 2013 for the erection of dwellinghouse on the application site (Ref: 13/00688/IPL). The indicative layout plan submitted with this application illustrated a single dwellinghouse of similar footprint to the existing farm cottages to the west developed centrally within the site with access taken from the existing private access to the south. No details regarding the intended design or finish have been submitted. The consent was granted subject to a number of conditions including a requirement for the proposed house to be single storey in height and be of traditional design.

An application for matters specified by conditions has been submitted for erection of a single house within the site. The proposed house is a relatively large house with substantial attic space which will provide additional upper floor accommodation. The proposals also include the erection of a large detached four bay car port with accommodation within the attic accessed via an external staircase. The external finishing materials are detailed as wet dash render, timber cladding and a slate roof to both the house and the car port.

## **SITE HISTORY**

13/00688/IPL Erection of dwellinghouse (in principle) 28 May 2013 Application Permitted

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

**TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

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

## **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy RD3 - Housing in the Countryside**

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

### **Policy HE2 - Listed Buildings**

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

## **OTHER POLICIES**

Housing in the Countryside Guide 2012

Developer Contributions Guide 2012

## **CONSULTATION RESPONSES**

Environmental Health

No objection

Contributions Officer  
Education contribution amounting to £6,395 required.

Transport Planning  
No objection

Scottish Water  
No objection

Frances Berry/Jane Pritchard - Access Officers  
No comments received

## **REPRESENTATIONS**

No representations received

## **ADDITIONAL STATEMENTS RECEIVED:**

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

## **APPRAISAL**

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

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

### **Policy Appraisal**

As the site lies within the landward area within the adopted Local Development Plan 2014, the proposal falls to be principally considered against *Policy RD3: Housing in the Countryside* and its associated SPG on Housing in the Countryside, which is the most recent expression of Council policy towards new housing in the open countryside. Policy PM1 'Placemaking' of the LDP 2014 and the Developer Contributions Guide 2012 are also relevant.

However as outline consent has already been granted for the principle of residential development within the site, the only matters to consider in the assessment of this application relate to the conditions of the in principle consent. In this regard the relevant matters are as follows:

- Scale/Design
- Tree Survey
- Landscaping
- Access/Parking/Turning
- Developer Contributions

### **Scale/Design**

The report of handling for the in principle consent it was considered that given the traditional rural character of the existing neighbouring estate cottages and the sites proximity to the listed Bradyston Farmhouse, any proposed dwellinghouse that is developed on this site should be of a traditional design restricted to single storey in height and constructed in high quality materials. In order to reinforce this view the following condition was applied to the in principle consent:

*“the house to be constructed on the site shall be single storey in height and shall reflect the traditional local architectural character of the area both in terms of its design and construction materials, all the to satisfaction of the Planning Authority.”*

Having reviewed the detailed plans submitted with this application, it is considered that the scale and design of the proposed houses does not comply with the requirements of this condition. Whilst the applicant has made some attempt to design the house to appear single storey, the proportions of the house in relation to both its depth and height do not give the appearance of the single storey house. The amount of upper floor accommodation that the applicant is trying to achieve creates a very top heavy appearance and couple with the depth of the overall footprint, it completely fails to achieve a design that reflects the traditional local architectural character of the area. The detailed fenestration further exasperates this by giving the house a standard, suburban appearance.

### **Tree Survey**

As per the requirements of Condition 2(e) the applicant has undertaken and submitted a detailed tree survey. This survey has identified and assessed the

condition of 35 individual trees within the application site. Of these trees 6 are defective to the point that their early removal is desirable and the remaining 29 trees have been identified as being of low quality with an estimated life expectancy of at least 10 years. One criticism that I have of this tree survey is that the recommendations contained within the report are quite general and do not specifically relate to the detailed plans for the proposed house. Whilst the report does acknowledge that the development is likely to result in the removal of 11 trees, the tree protection plan does not identify the development proposals in relation to the RPA's. In addition, the plans submitted with the tree survey are barely legible and not to scale.

I would therefore recommend that any future submission should be accompanied by a scaled site plan that clearly identifies the proposed development in relation to the tree protection plan. This plan should also specifically identify which trees are to be retained and which are to be felled.

### **Landscaping**

A proposed landscaping plan has been submitted with the detailed drawings which adequately identifies the extent of proposed landscaping within the site. I am therefore satisfied that this complies with the requirements of conditions 2 (d) and 5.

### **Access/Parking/Turning**

As per the requirements of condition 4, the site plan demonstrates that the adequate access, parking and turning will be achieved. The Transport Planning Officer has also advised that he has no objection to the proposals.

### **Developer Contributions**

The local primary school has been identified as operating above capacity. Therefore, as per the requirements of the Development Contributions Guide 2012, an education contribution amounting to £6,395 is required in this instance.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the proposal fails to comply with conditions 2(e), 3 and 6 of the in principle consent and also fails to comply with the Policy PM1A of the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Conditions and Reasons for Recommendation**

- 1 The proposal does not accord with the terms of Condition 3 of the related in principle consent (Ref: 13/00688/OUT) as the proposed house is not single storey in height and its design does not reflect the traditional local architectural character of the area.
- 2 The proposal does not accord with the terms of Condition 2(e) and 6 of the related in principle consent (Ref: 13/00688/OUT) as the tree protection plans submitted with the tree survey date 24<sup>th</sup> July 2014 are not to scale and are not clearly legible.
- 3 The proposed development is contrary to the Policies PM1A of the Perth and Kinross Local Development Plan 2014 as the scale and design of the proposed dwelling does not reflect the traditional local architectural character of the area.

#### **Justification**

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

#### **Informatives**

None

#### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**



14/01375/1

14/01375/2

14/01375/3

14/01375/4

14/01375/5

14/01375/6

14/01375/7

14/01375/8

14/01375/9

14/01375/10

14/01375/11

14/01375/12

**Date of Report 02.10.2014**

### Ground levels on plot of land South West of Little Bradyston Murthly

No fixed datum point is available nearby and a temporary benchmark has therefore been taken from the middle of the access road in front of the site, 13.2m from the nearest corner of the fenced enclosure in the south west corner measuring in an eastward direction.

BS	IS	FS	RISE	FALL	RED. LEVEL (m)	REMARKS
2.54					100.00	1. TBM / Road level
	2.56			0.02	99.98	2
	2.76			0.20	99.78	3
	2.81			0.05	99.73	4
	1.81		1.0		100.73	5
	1.76		0.05		100.78	6
	2.05			0.29	100.49	7
	1.65		0.40		100.89	8
	1.10		0.55		101.44	9
	1.32			0.22	101.22	10
	1.11		0.21		101.43	11
	0.65		0.46		101.89	12
	0.84			0.19	101.70	13
		0.65	0.19		101.89	14
2.54		0.65	2.86	0.97	101.89	
-0.65			-0.97		-100.00	
-1.89			-1.89		-1.89	

The natural ground levels show the plot to rise from south to north. The land at the east and west boundaries rise up almost identically. In the middle of the site there is a dip which is consistent throughout the site from south to north.

The ground floor level of the house is to be set at 100.50m to avoid the house from being too prominent and also to avoid excessive fill at the frontage. This will also require cutting and gentle grading of the ground to the north and east side of the house.

The ground floor level of the carport is to be set at 100.90m. Again there will be cutting and gentle grading of the ground to the north side of the site.

PERTH AND KINROSS COUNCIL  
DRAWING REF: 13/01375/12

# LITTLE BRADYSTON, MURTHLY

## HARD AND SOFT LANDSCAPING SCHEDULE

HARD LANDSCAPING	MATERIAL	BUILT
EXISTING FENCES	POST AND WIRE	AS EXISTING
ACCESS TO DRIVEWAY	TARMAC FOR FIRST 5 METRES	CONSTRUCTION PHASE
DRIVEWAY, PARKING AND TURNING	COMPACTED TYPE 1 / HARDCORE FINISHED WITH QUARRY DUST AND EDGED WITH FLUSH KERBS	CONSTRUCTION PHASE
PATIO	CONCRETE SLABS	CONSTRUCTION PHASE
BIN STANCES	CONCRETE SLABS BELOW BINS	CONSTRUCTION PHASE
MAIN ENTRANCE DOOR	CONCRETE SLABS FOR ACCESSIBLE ENTRANCE	CONSTRUCTION PHASE

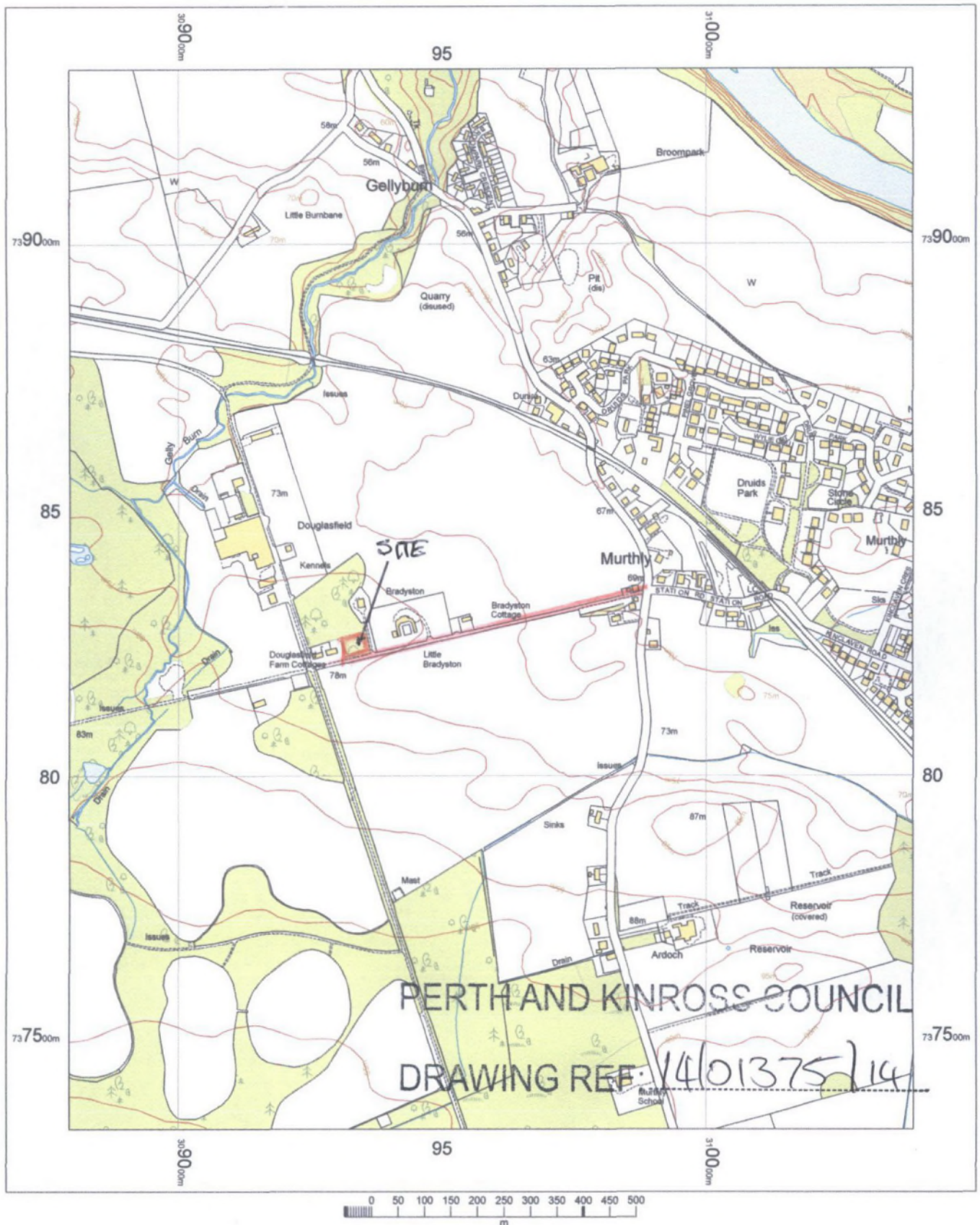
NEW SOFT LANDSCAPING		
IDENTIFIER	SPECIES	PLANTING
A	GRASSED AREAS	PLANTING SEASON IMMEDIATELY FOLLOWING COMMENCEMENT OF CONSTRUCTION
B	BEECH HEDGE	AS ABOVE
C	SILVER BIRCH	AS ABOVE
D	RHODODENDRON	AS ABOVE
E	BEECH TREE	AS ABOVE
F	AZALEAS	AS ABOVE
G	CHERRY BLOSSOM TREE	AS ABOVE
H	APPLE TREE	AS ABOVE
I	LAVENDER HERB BORDER	AS ABOVE

Note: The existing trees and shrubs on the north boundary are to be retained.

PERTH AND KINROSS COUNCIL

DRAWING REF: 14/01375/13





PERTH AND KINROSS COUNCIL

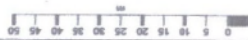
DRAWING REF: 14/01375/14

OS VectorMap Local - Landplan Style  
17 June 2014, ID: MNOW-00335459  
mapsnow.co.uk

1:10000 scale print at A4, Centre: 309592 E, 738331 N

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100017780





OS MasterMap 1250/2500/10000 scale  
22 May 2014, ID: MNOW-00327752  
mapsnow.co.uk  
1:1250 scale print at A3, Centre: 305544 E, 738274 N  
© Crown Copyright Ordnance Survey, Licence no. 100017760  
OS Ordnance Survey

MapsNow



PERTH AND KINROSS COUNCIL  
DRAWING REF: 1401375/15

**TCP/11/16(335)**

**Planning Application 14/01375/AML – Erection of dwellinghouse and carport (matters specified by conditions), land 110 metres south west of Little Bradyston, Murthly**

## **REPRESENTATIONS**

- Representation from Development Negotiations Officer, dated 14 August 2014
- Representation from Regulatory Services Manager, dated 21 August 2014
- Representation from Transport Planning, dated 1 September 2014





## **INTERNAL CONSULTATION ON PLANNING APPLICATION**



**To:** Development Management  
**From:** Euan McLaughlin  
**Date:** 14 August 2014  
**Planning Reference:** 14/01375/AML

**Description of Proposal:** Erection of dwellinghouse and carport (matters specified by conditions) Land 110 Metres South West Of Little Bradyston Murthly for Mr P Osbaldstone

**NB:** Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.

THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.

### **Primary Education**

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

This proposal is within the catchment of Murthly Primary School.

This site is subject to 'In Principle' consent under 13/00688/IPL. This consent includes a condition relating to the application of the Developer Contributions Guidance at the time of a further application.

### **Transport Infrastructure**

With reference to the above planning application the Council Transport Infrastructure Development Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

This site is subject to 'In Principle' consent under 13/00688/IPL. The Transport Infrastructure Guidance will not apply.

### **Summarised as follows**

Education: £6,395 (1 x £6,395)  
Transport Infrastructure: £0

**Total: £6,395**

### **Phasing**

It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.

The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.

If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation of the dwelling.

### **Payment**

**Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.**

### **Methods of Payment**

On no account should cash be remitted.

### **Scheduled within a legal agreement**

This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.

**NB:** The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.

### **Other methods of payment**

Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

### **Remittance by Cheque**

The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.

Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:

Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH15GD

### **Bank Transfers**

All Bank Transfers should use the following account details;

**Sort Code:** 839125

**Account Number:** 61079504

#### Education Contributions

For Education contributions please quote the following ledger code:

1-30-0060-0001-859136

#### Direct Debit

The Council operate an electronic direct debit system whereby payments may be made over the phone.

To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:

- a) Your card details.
- b) Whether it is a Debit or Credit card.
- c) The full amount due.
- d) The planning application to which the payment relates.
- e) If you are the applicant or paying on behalf of the applicant.
- f) Your e-mail address so that a receipt may be issued directly.

#### Indexation

All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.

#### Accounting Procedures

Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.

#### Contacts

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

Euan McLaughlin  
Tel: 01738 475381  
Email: [emclaughlin@pkc.gov.uk](mailto:emclaughlin@pkc.gov.uk)

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

Stuart McLaren  
Tel: 01738 476405  
Email: [sjmclaren@pkc.gov.uk](mailto:sjmclaren@pkc.gov.uk)



# Memorandum

To	Head of Development Control	From	Regulatory Service Manager
Your ref	PK/14/01375/AML	Our ref	JCO
Date	21 Aug. 14	Tel No	01738 476464

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK14/01375/AML RE: Erection of dwellinghouse and carport (matters specified by conditions) Land 110 Metres South West Of Little Bradyston Murthly for Mr P Osbaldstone**

### **Environmental Health (assessed 21/04/14)**

#### **Recommendations- I have no objections to the above application**

I refer to your letter dated 6 August 2014 in relation to the above application and have the following comments to make.

The applicant proposes to erect a dwelling house in an area of vacant ground in the middle of a cluster of seven dwellings, with two pairs of semi detached cottages to the west, a single house to the north and two houses to the east. The application site is surrounded by a mixture of agricultural and domestic buildings and as such there may be noise and odour issues associated with the countryside, including noise from transport, farming and other rural enterprises and at appropriate levels these are considered an acceptable part of rural life. With this in mind, future residents may on occasion be aware of, and annoyed by, normal farming activities.

I am not aware of any complaints of noise or odour from surrounding properties. In view of the above I have no objections to the approval of the application.

### **Contaminated Land (assessment date – 14/08/2014)**

#### Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.







The Environment  
Service

# MEMORANDUM

To	David Niven Planning Officer	From	Niall Moran Transport Planning Officer Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	14/01375/AML	Date	1 September 2014

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

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

With reference to the application 14/01375/AML for planning consent for:- **Erection of dwellinghouse and carport (matters specified by conditions) Land 110 Metres South West Of Little Bradyston Murthly for Mr P Osbaldstone**

Insofar as the Roads matters are concerned I have no objections to the proposed development.

I trust these comments are of assistance.



