

**LRB-2021-33 - 21/00736/FLL - Erection of 2 dwellinghouses,
land 90 metres north east of North Lodge, Dunkeld**

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**LRB-2021-33 - 21/00736/FLL - Erection of 2 dwellinghouses,
land 90 metres north east of North Lodge, Dunkeld**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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 checked="" 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 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 checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input 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:

Tree survey attached. In an email from the planning officer dated 28th May 2021, John Russell confirmed that if any further information was required then he would be back in touch. Mr Russell did not revert to me requesting the tree survey. I assumed this was because the Design Statement covered this comprehensively under the heading "Policy 40 - Forestry, Woodland and Trees" on page 12 which details tree protection etc. Emails attached.

Site inspection

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

- | | | | |
|--|---|-------------------------------------|--------------------------|
| | from public road and from unadopted road/ Right of way | 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"/> |

There is a gate from Spoutwells brae into the adjacent orchard and from the orchard there is a gate into the site

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

The Review Board should be able to access the site via gate from Spoutwells brae into the adjacent orchard and from the orchard through a gate into the site. If The Board prefer they can be taken to the site though North Lodge garden.

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.

Refer to attached statement.

NB. As a site visit was not possible for the Planning Officer, a visit by all three Councillors sitting on the Review Board is highly recommended.

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.

Tree survey attached. In an email from the planning officer dated 28th May 2021, John Russell confirmed that if any further information was required then he would be back in touch. Mr Russell did not revert to me requesting the tree survey. I assumed this was because my Design Statement covered this comprehensively under the heading "Policy 40 - Forestry, Woodland and Trees" on page 12 which details tree protection etc.

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.

Design Statement

Summary of matters to be taken into account in determining review including:

- Letter from Applicants,
- Agent's CV (abridged)
- Response to reasons for refusal (Summary)
- Response to Report of Handling Delegated Report dated 07.07.2021 including email correspondence

Tree survey and Arboricultural Report

- The following application drawings:
- (L-) 01 Location plan
 - (L-) 02 Block plan - existing
 - (L-) 03 Block plan - proposed
 - (L-) 04 Site plan - proposed
 - (L-) 10 Ground floor plan
 - (L-) 11 First floor plan
 - (L-) 12 Roof plan
 - (L-) 13 House 1 - N & S Elevations
 - (L-) 14 House 1 - E & W Elevations
 - (L-) 15 House 2 - N & S Elevations
 - (L-) 16 House 2 - E & W Elevations

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

Checklist

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

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

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

Declaration

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

Signed



Date

22/09/2021

Elizabeth Bremner Architecture

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E elizabeth@elizabethbremnerarchitecture.co.uk

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Request for Review in respect of the Refusal of
an Application for Planning Permission for the
Erection of 2 Dwellinghouses on land 90 metres
North East of North Lodge Dunkeld

Application for Planning Permission
reference number 21/00736/FLL

22 September 2021

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Application for Review

Letter from Applicants

Elizabeth Bremner Architecture Curriculum Vitae (Abridged)

Grounds for Review in summary

Report of handling delegated report including agents counterpoints

Email correspondence between Planning Officer and Agent

Tree Survey and Arboricultural Report

Application for Planning Permission - Form

Application for Planning Permission - Drawings

Application for Planning Permission - Design Statement

Jane and Eric Bremner
North Lodge
Spoutwell
Dunkeld
PH8 0AZ

Local Review Body
Perth and Kinross Council
2 High Street,
Perth
PH1 5PH

22nd September 2021

ApplicaKon: 21/00736/FLL

Thank you for taking the Kme to consider our applicaKon for review of the above planning applicaKon. We are a reKred couple who have lived at North Lodge, Dunkeld for just over two and a half years and have been very fortunate to have become part of the very real community that is Dunkeld and Birnam.

On purchasing the property we had no intenKon to develop any part of it. However, we soon became aware of the problem of available modest sized housing for young families or indeed older residents wishing to remain within the community but to downsize from larger family homes to houses which would allow them to conKnue to live independently. We have been approached by several parKes who have expressed their interest were we prepared to sell some of the land surrounding our home. Hence our applicaKon for the development of two modest sized sustainable dwellings designed and built to a high standard which would sit well in their seZ ng within the conservaKon area.

Having consulted Perth and Kinross Local Development Plan 2019 – 2024, under the heading Adjustments to the Housing Land Requirement which states:

- An assumpKon that 10% of the housing land requirement will be met from windfall sites.
- An assumpKon that 15% of the housing land requirement of the Highland Housing Market Area will be met from small sites.

Our planned development would seem to fall within these consideraKons in addressing a shorc all in housing land supply and posiKvely meeKng a defined housing need.

ConKnued

Continued

18th September 2021

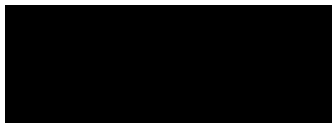
Perth and Kinross Council
Local Review Body
2 High Street,
Perth
PH1 5PH

Our previous home was, as is North Lodge, a listed building within a conservation area and as such we fully appreciate the requirement to respect the character and amenity of the area. It was paramount that the development would be situated within the total area of our property in such a way that the private public amenity would remain visually undisturbed and to that end the development would not be visible from Atholl Street and key viewpoints within the conservation area. Indeed, the signage was, we believe, well considered in terms of how the development sits within its landscape. Furthermore, subsequent development of gardens and designed landscapes around the development would make a significant contribution to what is currently an unkept paddock.

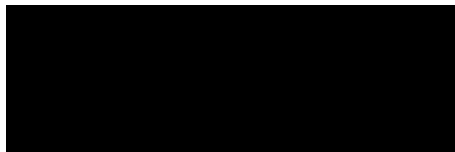
Most of Sunny Brae, as the land above North Lodge is known, is very steep. The proposed signage, however, is to the North East of the Brae, which is much less steep. It is unfortunate that circumstances resulting from the pandemic would appear to have limited the possibility of an onsite evaluation of the proposal or indeed to meet the planning officer to discuss their concerns.

We very much appreciate your time and interest in our application for review and hope that you can also take into account the positive benefits to the local community and the conservation area of this proposed development.

Kind regards,



Jane Bremner



Eric Bremner

Elizabeth Bremner Architecture Curriculum Vitae (abridged)

Elizabeth Bremner established Elizabeth Bremner Architecture in 2020.

The practice's first project Ard Tullaich, is a carbon-neutral 5 bedroom house which lies on the south side of Loch Tay near Ardeonaig within Perth & Kinross Council boundary. Care has been taken to design the house to complement and nestle into its landscape setting. Ard Tullaich is due for completion September 2021.

In 2010 Elizabeth designed a new house for her family which she and her partner managed on site; a good learning experience.

Elizabeth graduated from the Mackintosh School of Architecture in Glasgow and has over 30 years experience working on a wide range of projects including radio and tv stations, schools, castles, country estates, community hubs, hospices, shoreside facilities for harbour authorities, bunkhouses, youth centres and houses for private clients including new build and refurbishment. Elizabeth has worked with Scottish planning authorities in Aberdeenshire, Angus, Argyll and Bute, Edinburgh, Dundee, East Lothian, Glasgow, Highland, Midlothian, Comhairle Nan Eilean Siar, Perth and Kinross, Scottish Borders and West Lothian. She has had only one planning application refused in over 40 years; this is not a boast but an indication of her understanding and respect for the Town and Country Planning (Scotland) Act 1997 and the planning process.

Over her career, Elizabeth was closely involved on projects which received the Saltire Society Scotland Housing Award, the Association for the Protection of Rural Scotland Award, a RIAS Regeneration Award and shortlisted for an RIBA regional award.

Grounds for Review in Summary

In accordance with section 25 of the Town and Country Planning (Scotland) Act 1997 *“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise”.*

There are material considerations detailed below that must be given some weight.

Policy 28 of the Local Development Plan 2 2019 (Adopted) states that *“Where a Conservation Area Appraisal has been undertaken for the area, the details contained in that appraisal should be used to guide the form and design of new development proposals.”*

The Dunkeld Conservation Area Appraisal June 2011 confirms this. *“2.2 A Conservation Area Appraisal is a management tool which helps to identify the special interest and changing needs of an area. It serves as supplementary planning guidance to the local development plan.”*

Review of reasons for refusal

Reasons numbers 1, 2, 3 and 4 are based on the refusal to allow the development of 6% of low lying, moderately sloping, hidden “open space” and is contingent on the premise that a guidance document (Conservation Area Appraisal) takes precedence over a policy document, (Local development Plan).

The current Dunkeld Conservation Area Appraisal June 2011 identifies the site as lying within (public/private) open space. The more recently published Local Development Plan 2 2019 (Adopted) does not identify this area as open space; it does identify other areas within Dunkeld as open space.

In all other respects the proposal meets the requirements of the the TAYplan Strategic Development Plan 2016-2036 and the Local Development Plan 2 2019 (Adopted).

In light of the Planning Officer favouring the guidance in the Dunkeld Conservation Area Appraisal 2011, there are material considerations which justify challenging the decision.

The pressing need for more housing within Dunkeld is borne out by Policy 4 of the TAYplan Strategic Development Plan 2016-2036, by the comments from the Dunkeld and Birnam Community Council and by a high level of interest from local people of all ages to purchase the plots.

Policy 4: Homes of the TAYplan Strategic Development Plan 2016-2036 directs that as a Tiered Settlement Dunkeld/Birnam would be expected to accommodate 15 new homes per year commencing 2016. Birnam has provided a handful in 6 years, Dunkeld has provided none. This falls woefully short of the total target of 90 by 2021. This is a material consideration of National policy.

Reason 3 further claims that *“the proposals do not improve the character and environment of the village of Dunkeld, see criterion (c)”* which is highly subjective.

However, Criterion C reads “Proposals which will improve the character and environment of the area or village.” Dunkeld is a town and not a village; therefore, the proposals are judged on whether they improve the area. The existing character of the adjacent houses are detached dwellings built circa. 1980. They vary in height, their walls are predominantly drydash and smooth render and facing brick. The pitches of the concrete tiled roofs vary. The proposed houses are positioned to harmonise with the pattern created by all the adjacent properties and, importantly, they are orientated to the land contours and to capture the views to Craig a Barns. The proposed houses will be built using high quality materials; natural stone, timber (low bodied energy) and zinc roofing (blends well with slate, sustainable, recyclable and a durable alternative to scarce Scottish slate). These materials are widely accepted by all Scottish Planning Authorities. The dimensions of the proposed houses are also in keeping with Scottish vernacular.

Reason 4 also takes issue with “cut and fill” which is not contrary to planning policy. Planning Advice Note 72 states that *“new developments should try to fit into or nestle within the landscape”*; a material consideration of National policy.

The landscape in which the houses will sit cannot be viewed from the relevant key views referred to in the Dunkeld Conservation Area Appraisal (images 2 and 3) and the houses cannot be viewed from Atholl Street (image 1). The amenity value of the western slope and wooded ridges of the hillside will remain unchanged and visible.

Reason 5. A tree survey and/or a tree constraints/root protection plan could have been submitted as part of the application. The planning officer communicated via email (28.05.21 attached) that if he require any further information to determine the application he would be back in touch. In a succeeding email (06.07.21 attached), he was asked if he needed any further information to allow him to determine the application. Having received no reply, it was assumed that he did not require the tree survey because the Design Statement comprehensively covered Policy 40 - Forestry, Woodland and Trees on page 12 detailing tree protection etc.

It is not in the spirit of the planning process to refuse an application for this reason. Indeed, under section 32 of the Town and Country Planning (Scotland) Act 1997 *“An application for planning permission (other than an application referred to the Scottish Ministers under section 46 instead of being dealt with by the planning authority) may, with the agreement of the planning authority, be varied after it is made.”*

Precedent: LRB-2021-12 removed this reason for refusal on lesser grounds.

The Tree Survey and Arboricultural Report indicate that no trees will be affected by the development with the possible exception of one small, Hawthorn tree which may or may not need to be removed.

Reason 6 is not supported or evidenced by policy 60B which states *“Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate.”*

Dunkeld is very well served by sustainable transport modes.

We consciously limited parking; following government and local authority guidelines to reduce car use for critical environmental reasons and to limit the area of hardstanding on the plot so as to avoid flooding issues. The design allows three vehicles to turn on site so they can enter from and exit to the private road in a forward gear. Furthermore, the proposals include the formation of a passing place /access bay at the entrance to the site which will improve the safety of the private road for all users; walkers, cyclists and drivers.

Transport Planning raised no objections to the application.

Conclusion

The Dunkeld Conservation Area Appraisal states:

Designation as a conservation area does not place a ban upon all new development within its boundaries. However new development will normally only be granted planning permission if it can be demonstrated that it will not harm the character or visual quality of the area. New development should also positively enhance the area through good design rather than just create a neutral effect.

Perth & Kinross Council, 2011. Dunkeld conservation Area Appraisal. Perth & Kinross Council, p.1.

Whilst it can be accepted that the opportunities for new houses within a Conservation Area will always be limited, it is imperative that sites are allocated for new houses which have negligible impact on the Dunkeld Conservation Area as identified in this instance.

Not one of the eight acknowledged expert consulted objected to the proposals. The Dunkeld and Birnam Community Council “recognised that they [the houses] would satisfy a clear need for smaller scale housing in the community”. The Dunkeld and Birnam Community Council also recognised that “although it would diminish some of the private open space, it would not have a significant adverse impact on the special qualities of the Dunkeld Conservation Area”.

The houses have been planned and designed with reference to climate change, mitigation and adaptation. The houses will incorporate low and zero carbon generating technology as detailed on page 11 of the Design Statement. To help reduce energy consumption to zero passive measures have been incorporated in the design as detailed on page 9 of the Design Statement.

The footprint of the proposed houses (including hard landscaping) is a small fraction at 6% of the total site area. 94% of the site, including “the western slope and wooded ridges of the hillside which frames the views” will remain as “open space”.

The two modest houses proposed will provide homes for families who are keen to remain within the Dunkeld community and who can continue to help the town thrive.

REPORT OF HANDLING
DELEGATED REPORT
with agents counterpoints

Ref No	21/00736/FLL	
Ward No	P5- Strathtay	
Due Determination Date	4th July 2021	
Draft Report Date	25th June 2021	
Report Issued by	JHR	Date 07.07.2021
<i>Agents response added</i>	<i>EBA</i>	<i>Date 21.09.2021</i>

PROPOSAL: Erection of 2 dwellinghouses

LOCATION: Land 90 Metres North East Of North Lodge
Dunkeld

SUMMARY

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

There are material considerations referred to below and in the Grounds for Review in Summary document.

DATE OF SITE VISIT: N/A - In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by mapping databases and streetview. This information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

The site cannot be seen on Streetview and the topography of the site has not been fully understood from mapping databases. In this instance a site visit is necessary.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is for the erection of two contemporary dwellings on a steeply sloping site within the settlement of Dunkeld. The dwellings would be set into the hillside and a single shared access would be formed onto a private access/core path from Atholl Street. Parking would be located to the front and between the two proposed dwellings.

The dwellings will sit on a moderate slope only, which the planning officer is unaware of as he was not able to view the development area. The hillside behind the houses is steeply sloping.

The site is within the National Scenic Area (River Tay), the Dunkeld Conservation Area, the Battle of Dunkeld Inventory Boundary with listed building to the south, south west.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: 20/00477/PREAPP – sensitivity of the site highlighted in the pre-app.

The sensitivity of the site is raised in the pre-app in respect of a non-statutory guidance document.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

There is specific policy and strategy relevant to this proposal. Policy 1 requires that “Local Development Plans will identify appropriate effective land that is capable of delivering this sustainable pattern of development in the plan period, whilst also considering the requirements of other policies in this plan. This will provide for a mix of development, infrastructure and green space on a range of sites. Development on land within principal settlements, particularly brownfield land, is preferable to development elsewhere.*

**brownfield land: land which has previously been developed, including vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.“*

In line with policy 1A: Principal Settlement Hierarchy and policy 4: Homes, the Tiered settlements in Highland Perthshire, Pitlochry, Aberfeldy and Dunkeld/Birnam are expected collectively to accommodate the majority of the additional annual housing requirements; the housing supply target of 72.

Dunkeld/Birnam are expected to accommodate 21% of the housing supply target of 72 units every year, ie. 15 new homes per year commencing 2016. Birnam has provided less than one house per year, Dunkeld has provided none. This falls woefully short of the annual target of 15, or 90 new homes by year end 2021.

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 6: Settlement Boundaries

Policy 17: Residential Areas

Policy 26B: Archaeology

Policy 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Policy 38A: National Designations

Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Planning Advice Notes (PAN)

GUIDANCE DOCUMENTS

Developer contributions

Placemaking Guide

CONSULTATION RESPONSES

Scottish Water – No objection

Transport Planning – No objection received.

Development Contributions Officer – No objection.

NatureScot – No objection received.

Historic Environment Scotland – No objection. The proposed house is located within the Battle of Dunkeld Inventory Boundary, the potential impact on this should be considered, your council's archaeological advisers will be able to advise further on this.

Perth And Kinross Heritage Trust – No objection subject to conditional control.

Conservation Team - Object to the proposal.

Biodiversity/Tree Officer – No objection received.

Dunkeld And Birnam Community Council - note that there are a number of objections to this application and that these are, in the main, along technical grounds, in which the Community Council do not have sufficient expertise to comment. The members of the community council had a variety of views about the proposal, some concerns were expressed about the impact on the Dunkeld (River Tay) National Scenic Area, however **others felt that the location of the proposed houses was such that, although it would diminish some of the private open space, it would not have a significant adverse impact on the special qualities of the Dunkeld Conservation Area. The Community Council had also been discussing the issues around affordable housing at the meeting and noted that the two proposed homes are relatively modest in size. While it is our understanding that based on current proposals they will not qualify as 'affordable', the Community Council recognised that they would satisfy a clear need for smaller scale housing in the community.**

All eight consultees did not object to the proposals. The Dunkeld and Birnam Community Council "recognised that they (the houses) would satisfy a clear need for smaller scale housing in the community". The Dunkeld and Birnam Community Council also recognised that "although it would diminish some of the private open space, it would not have a significant adverse impact on the special qualities of the Dunkeld Conservation Area".

REPRESENTATIONS

The following points were raised in the 13 representation(s) received:

- Adverse Effect on Visual Amenity, Out of Character with the Area, impact on conservation area, inappropriate materials, impact on national scenic area.
- Contrary to Development Plan Policy

- Flooding Risk, impacts from surface water
- Inappropriate Land Use, impact on open space
- Overlooking, loss of privacy, light pollution
- Impacts on private road, pedestrian safety, road safety concerns, parking issues, traffic congestion
- Impacts on biodiversity have ecological surveys been undertaken
- Impact on mature trees.
- Impact on historic battlefield
- Land stability
- No refuse collection on private road

The above issues are addressed under the appraisal section of the report. The following matter is best addressed at this stage:-

Loss of a view – This is not a material planning consideration when it relates to a private view.

Disruption during construction - the concern regarding construction activity in the representations are noted however this will likely be a short-term change to the status quo. Given the scale of the works it is not considered that conditional control is required in this case. If issues did arise this could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990.

Concerns with neighbour notification located within 50 metres - This has been reviewed and the neighbour notification exercise has been carried out in accordance with the procedures set by the Scottish Government. For clarity the neighbour notification buffer is 20 metres not 50m metres.

No site notices erected – due to the ongoing Covid Pandemic site notices are no longer being posted within the vicinity of the site. Instead, e-notices are being placed.

Landownership/access rights –any legal rights of access over the site and landownership are a private/civil matter. However, it is noted that the redline boundary of the site does not extend to or cover access to the public road. This is required as set out in the Head of planning Scotland validation and determination guidance.

The access road is a right of way and under Scots Law there is a servitude right of access onto the road for all properties fronting it. The red line should have included the grass verge, a mistake by the agent and mistakenly overlooked by the Planning Department during the registration process; this point should have been clarified early in the planning process.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required

Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Required *

** Report on Impact or Potential Impact included in the Design Statement - no flooding potential as confirmed by SEPA and Scottish Water.*

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 and the adopted LDP2.

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

This site is located within the settlement boundary of Dunkeld where Policy 17 of the adopted Local Development Plan 2 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area,

Policies P1A and P1B Placemaking are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

Policy 27A relates to Listed Buildings and their setting while Policy 28B relates to new development within Conservation Areas.

Policy 38A is applicable due to the National Scenic Designation.

Policy 40 A and 40 B seeks to protect trees and woodland while 41 requires biodiversity to be considered.

Policy 52 relates to flooding while Policy 53 B and 53 C relates to foul and SUDS drainage.

Policy 60 B seeks safe access, egress and appropriate car parking.

Conservation Area, Design, Layout and Landscape Considerations,

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special

attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The conservation area appraisal identifies views across the site towards Dunkeld as key views and the western slope and wooded ridges of the hillside leading up to Spoutwells as providing an attractive frame to the views eastward out from Atholl Street and the site itself as part of public/private open space within the conservation area. The appraisal also identifies 'The narrow Old Military and Spoutwell roads, climbing out of the town to the east and north-east respectively, are also bordered by mature woodland forming a sense of enclosure and inviting further exploration.'

The houses will not be visible from any of the framed or key views. Planner unaware as not able to visit site.

Although the proposed dwellings would be set back into the hillside which would reduce their visual impact this would still entail a considerable change to the appearance of the site.

The footprint of the proposed houses (including hard landscaping) is a small fraction, 6%, of the total site area. That is, 94% of the site will remain as "open space".

A significant amount of works would be required to cut into the steep sloping site and a suitable engineering solution deployed ensure slope stability (something that would be looked at in greater detail at the building warrant stage).

The Planning Officer has misunderstood the proposals, largely because he has not been able to visit or see the site remotely. It has been assumed that the small development area is as steeply sloping as the hillside behind (1:2). In fact, the houses will sit in a moderate 1:5 slope. Nestling into the landscape is a recognised method to harmonise new houses into the landscape to ensure they do not dominate.

Planning Advice Note 72 states that "new developments should try to fit into or nestle within the landscape"; a material consideration of National policy.

Due to the topography of the site the majority of hard landscaping and domestic garden paraphernalia would also be located close to the road frontage increasing the visual impact.

The restricted area of hard landscaping and its close proximity to the private road decreases the visual impact on the site.

To resolve the issues covered under the Roads and Access Heading with regards to vehicular turning and parking the visual impact at the site frontage would be exacerbated.

Reason 6 is not supported or evidenced by policy 60B which states "Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate."

Dunkeld is very well served by all sustainable transport modes.

Car parking was consciously limited; following government and local authority guidelines to reduce car use for critical environmental reasons and

to limit the area of hardstanding on the plot to avoid flooding issues. The design allows three vehicles to turn on site so they can enter from and exit to the private road in a forward gear.

Overall, the proposed development would have an adverse impact on the character and appearance of the conservation area through the introduction of development into an important green space which contributes positively to the character and appearance of the conservation area, including views both into and out of the conservation area. This would result in a conflict with Policy 28A: Conservation Areas: New Development, placemaking policies 1A and 1B and Policy 17: Residential Areas.

The houses will not be visible from any of the aforementioned views.

*The development is not identified as being in a green/open space in the map on page 193 of the Perth & Kinross Local Development Plan 2 (2019); therefore it is not in conflict with Policies 28A, 1A, 1B or 17. It is identified as open space only in a guidance document. As stated in Policy 28A the details contained in the Conservation Area Appraisal should be used to **guide** the form and design of new development proposals. It is not intended that the appraisal be proscriptive and is non-statutory guidance.*

The footprint of the proposed houses (including hard landscaping) is a small fraction, 6%, of the total site area. 94% of the site will remain as “open space”.

Archaeology

The proposed development site is archaeologically sensitive as it is sited within the Battle of Dunkeld. This battle followed on from the Battle of Killiecrankie. On the 27 July 1689, the victorious Jacobite force began its march south towards Edinburgh. At Dunkeld the Jacobites encountered the Government Army consisting of the Cameronian regiment led by Lt Col Cleland. Over four hours of hand-to-hand combat ensued in the streets of Dunkeld and despite the Cameronians being outnumbered by 3:1, Dunkeld was held and the Jacobite army dispersed. The Jacobite rebellion continued for a year or so following this battle but was crushed by the summer of 1690.

Historic map regression at the location suggests that this site has likely not been altered considerably since the time of the battle, therefore there is potential for archaeological remains associated with the event to survive. In addition, recently a geophysical survey carried out by the University of Aberdeen in 2020, identified the western extent of the Medieval Burgh surrounding the cathedral of Dunkeld. This showed the layout of individual houses, streets and avenues within the town. Although this is located 280m SW of the development plot it shows potential for remains to survive on undeveloped land in the area.

As an urban battle that resulted in the old town being burnt to the ground its likely evidence survives in undeveloped areas across Dunkeld. **The development site appears to lie out with the main core of the old town itself, and subsequently the battle activity but given the fact it's not been more recently developed in the 19th and 20th centuries and is within the Battle Inventory boundary there is a chance for**

archaeological remain to be identified. Given the nature of battlefield archaeology it may be an archaeological watching brief on ground-breaking works alongside metal detecting the excavation in spits may be an appropriate mitigation. The final details of this should be agreed with PKHT prior to all site works in a WSI. Should anything pertaining to the Battle of Dunkeld or indeed the old town be identified during the works it can then be appropriately recorded.

On this basis PKHT offer **no objection** subject to the use of a negative suspensive condition to secure a programme of archaeological works. With conditional control applied this will comply with local development plan policy 26B: Archaeology.

Works required as an archeological condition would be carried out at the owner's expense and may reveal more of the history that will otherwise remain hidden - something to be welcomed.

Listed Buildings

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal is not considered to impact the neighbouring listed buildings due to intervening distances as well as the orientation of the principal elevations of the listed buildings. There is no conflict with Policy 27A Listed Buildings.

Residential Amenity

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwelling, those that live in the existing house. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly. In this case the proposal is **not** considered to impact on neighbouring property from overshadowing or loss of daylight.

Light will emanate from the proposed dwellings however this is **not** considered to result in significant light pollution which would warrant refusal of the application.

Due to the scale and orientation of the houses and location of windows the proposal will not result in any significant overlooking to neighbouring property or garden ground.

There is no potential for overlooking, only the top half of the roof of the closest house will be visible from the ground floor of the new properties and only the whole roof will be visible from the upper floor of house 2.

Most of the useable garden ground will be also be located at the front of the dwellings however this will not provide useable private amenity space due to the relationship between the shared drive and the private access/core path it fronts. The topography at the rear of the site provides little scope for private amenity use in its current form and given the arrangements to the front of the site this will likely add pressure to terrace the slope which will further impact the positive contribution this green space has on the character and appearance of the conservation area.

There is no proposal to terrace the slope and as such, is not a relevant point; the application should only be judged against the proposals submitted. The slope immediately around the houses is relatively gentle and as such there is amenity space on three sides of the houses. The rear garden of house 1 also has a large area of moderate slope to the the rear.

Again, a site visit would have helped the Planning Officer.

Roads and Access

The layout illustrates a shared driveway arrangement between the two proposed houses. However, it fails to illustrate a layout that can achieve a suitable level of parking (two spaces per dwelling) along with turning facilities within the site to ensure vehicles can enter and exit in a forward gear. The proposed layout will result in vehicles reversing onto private access/core path to the detriment of vehicle and pedestrian safety contrary to Policy 60B: Transport Standards and Accessibility Requirements.

Policy 60B states “Where an area is well served by sustainable transport modes, more restrictive (parking) standards may be considered appropriate.”

Dunkeld is very well served by sustainable transport modes and therefore more restrictive standards (less than 2 spaces per dwelling) are appropriate. We are consciously limiting the car parking; which follows government and local authority guidelines to reduce car use for critical environmental reasons and to limit the area of hardstanding on the plot to avoid flooding. The development currently allows for three vehicles turning on site to ensure they can enter from and exit to the private road in a forward gear.

The representations highlight that refuse collection is not undertaken on the private road. A refuse strategy for the site could be sought by condition.

Drainage and Flooding

The site is not in an area subject to river flooding.

Disposal of foul flows can be dealt with by conditional control to comply with Policy 53B.

There are concerns in the representations regarding flooding at lower levels of Dunkeld. While the agent has highlighted in their design statement that there is an intention minimise hardstanding, surface water run-off and deploy a sedum

roof it has not illustrated compliance with policy 53C. Given the topography of the site which is a significant site constraint there is uncertainty that standard SUDS can be deployed. On this basis the proposal is not considered to comply with policy 53: sustainable urban drainage.

This conclusion is not borne out by the evidence put forward in the Design Statement. "Uncertainty" should surely require further enquiry/information and not refusal.

Scottish Water offered no objections to the proposal.

Natural Heritage and Biodiversity

The agent suggests that the trees on the ridgeline are unlikely to be affected by the development. Given the distances to the site frontage where development occurs the erection of a fixed barrier/site fencing at an appropriate offset from the trees would ensure the protection of this tree resource.

The mature Beech trees on the ridge above the site are far enough away to be easily avoided by and protected from construction work without the need for fencing. They are also far enough away not to be of any future risk to the proposed houses. This is not a suggestion but a point of fact. This is confirmed by Martin Langton, Chartered Forester and Arboricultural Consultant in his Tree Survey and Arboricultural Report.

There are also trees to the north of the site. Given the proximity of dwelling 2 there will likely be an impact on the root protection area. Given the sensitivity of the site it is not considered prudent to utilise conditional control as suggested by the agent, a tree survey should have been submitted to enable assessment against policies 40A and 40B: Forestry, Woodland and Trees. The need for this survey was highlighted in the pre-application response.

*The Tree Survey and Arboricultural Report has confirmed that all the tree will not be affected by the development with the **possible** exception of one small tree, a Hawthorn which classified as Category C, ie. Trees of low quality and value which might remain for a minimum of 10 years, or young trees with uncertain potential. He also goes on to say that "This tree is a roadside tree and can be replaced readily on this site, if required.*

Representations highlight that the site is utilised by wildlife and no ecological surveys have been provided. If the tree resource is affected and trees require to be felled then their removal would also have to be supported by bio-diversity surveys.

The Pre-application response from the Planning Officer advised that "If trees require removal, then they should be supported by ecological survey work (Birds and Bats)." When the application was submitted there was no proposal to fell any trees and as such ecological survey work (Birds and Bats) was not required.

Item 8.2 of the Tree Survey and Arboricultural Report instructs that If the small category C Hawthorn needs to be removed then an Ecologists should be brought in beforehand.

Developer Contributions

The above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Royal School of Dunkeld Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

However, it should have been varied to allow a Tree Survey to be submitted. Under section 32 of the Town and Country Planning (Scotland) Act 1997 an application for planning permission may be varied after it is made.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below:

Reasons

***** *Reasons for refusal numbers 1, 2, 3 and 4 are contingent on the premise that a guidance document (Conservation Area Appraisal) takes precedence over a policy document (Local Development Plan). The current Dunkeld Conservation Area Appraisal June 2011 identifies the site as lying within (public/private) open space. However, the more recently published Local*

Development Plan 2 2019 (Adopted) does not identify this area as open space; it does identify other areas within Dunkeld as open space. In addition and importantly, the footprint of the proposed houses (including hard landscaping) is a small fraction at 6% of the total site area. 94% of the site will remain as “open space”.

There are material considerations which justify going against the Local Development Plan 2 2019 (adopted). The pressing need for more housing within Dunkeld is borne out by the comments from the Dunkeld and Birnam Community Council, a high level of interest from local people of all ages to purchase the plots and most importantly, in accordance with policy 1A: Principal Settlement Hierarchy and policy 4: Homes of the TAYplan Strategic Development Plan 2016-2036, as a Tiered Settlement Dunkeld/Birnam would be expected to accommodate 15 new homes per year commencing 2016. Birnam has provided a handful in 6 years; Dunkeld has provided none. This falls woefully short of the total target of 90 by 2021.

- 1 The proposal is contrary to criterion within Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) as the development fails to respect the character and amenity of the area and has an adverse impact due to an inappropriate siting of the development.

** Refer to agents statement above.*

*Perth and Kinross Heritage Trust raised no objections to the proposals
Historic Environment Scotland raised no objections to the proposals*

- 2 The proposal is contrary to criterion (a) of Policy 1B of the Perth and Kinross Local Development Plan 2 (2019) as the development erodes the coherent structure of streets, spaces and buildings of this area of Dunkeld.

** Refer to agents statement above.*

The footprint of the proposed houses (including hard landscaping) is a small fraction at 6% of the total site area. 94% of the site will remain as “open space”. The “western slope and wooded ridges of the hillside leading up to Spoutwells as providing an attractive frame to the views eastward out from Atholl Street” referred to in the Dunkeld Conservation Area Appraisal June 2011. This will not change.

- 3 The proposal is contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) as the development will not retain this area of open space therefore the amenity value of the space will be eroded. Furthermore, the proposal does not improve the character and environment of the village of Dunkeld, see criterion (c).

** Refer to agents statement above.*

Reason 3 is highly subjective.

Criterion C reads “Proposals which will improve the character and environment of the area or village.” Dunkeld is a town and not a village, therefore, the proposals are judged on whether they improve the area. The

existing character of the adjacent houses are detached dwellings built circa. 1980. They vary in height, their walls are predominantly drydash and smooth render and facing brick. The pitches of the concrete tiled roofs vary. The proposed houses will be built using high quality materials; natural stone, timber (low bodied energy) and zinc roofing (blends well with slate, sustainable, recyclable and a durable alternative to scarce Scottish slate). These high quality materials are widely accepted by all Scottish Planning Authorities including Perth & Kinross Council. The dimensions of the proposed houses are also in keeping with Scottish vernacular.

- 4 The proposal is contrary to Policy 28A: Conservation Areas: New Development of the Local Development Plan 2 (2019) as the siting of the building and the extent of cut and fill at this sloping site will have an adverse impact on the special qualities, its appearance, character and setting of the Dunkeld Conservation Area. It also fails to take cognisance of the amenity value of the site and the importance the site makes in key views within Dunkeld as detailed in the Dunkeld Conservation Area Appraisal.

** Refer to agents statement above.*

In addition, "cut and fill" is not contrary to planning policy. Planning Advice Note 72 states that "new developments should try to fit into or nestle within the landscape"; a material consideration of National policy.

- 5 No tree survey or tree constraints/root protection plan has been submitted to illustrates the developments relationship to the tree resource to the north. The application is contrary to policy 40A and 40B: Forestry, Woodland and Trees of the Perth and Kinross Local Development Plan 2 (2019).

A tree survey and/or a tree constraints/root protection plan could have been submitted as part of the application. The planning officer communicated via email that if he require any further information to determine the application he would be "back in touch". In a succeeding email, he was asked if he needed any further information to allow him to determine the application. At this point it would have been fair and reasonable to ask for this information. Is it in the spirit of the planning process to refuse an application for this reason?

Indeed, under section 32 of the Town and Country Planning (Scotland) Act 1997 "an application for planning permission (other than an application referred to the Scottish Ministers under section 46 instead of being dealt with by the planning authority) may, with the agreement of the planning authority, be varied after it is made."

Perth and Kinross Council's Biodiversity/Tree Office did not offer any objections.

- 6 The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements of the Perth and Kinross Local Development Plan 2 (2019) as it fails to illustrate a layout that can achieve a suitable level of parking (two spaces per dwelling) along with turning facilities within the site to ensure vehicles can enter and exit in a forward gear. As

a consequence, vehicles will need to be reverse onto private access/core path to the detriment of vehicle and pedestrian safety. Furthermore, the redline boundary of the site does not extend to or cover access to the public road.

This is not supported or evidenced by policy 60B which states “Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate.”

Dunkeld is very well served by sustainable transport modes and therefore more restrictive standards (less than 2 spaces per dwelling) are appropriate. We are consciously limiting the car parking; following government and local authority guidelines to reduce car use for critical environmental reasons and to limit the area of hardstanding on the plot to avoid flooding issues. The development currently allows for three vehicles turning on site to ensure they can enter from and exit to the private road in a forward gear. Furthermore, the proposals include the formation of a passing place /access bay at the entrance to the site which will improve the safety of the private road for all users; walkers, cyclists and drivers.

Justification

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

The counterpoints put forward by the agent show that the proposal is in accordance with the Local Development Plan 2 2019 (Adopted) and that there are material reasons which justify departing from the Development Plan.

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04
05
06
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08
09
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12

From: John Russell [REDACTED]
Subject: RE: 21/00736/FLL - Land 90 Metres North East Of North Lodge, Dunkeld
Date: 28 May 2021 at 07:17
To: Elizabeth Bremner Architecture elizabeth@elizabethbremnerarchitecture.co.uk

JR

Morning Elizabeth,

I haven't had the opportunity to review this application yet. If I require any further information to determine the application I will be back in touch.

Admin have reviewed the online file and the duplicate objection should now be rectified.

Regards,

John Russell
Development Management Planning Officer - Planning and Development
Perth & Kinross Council
Communities
Pullar House, 35 Kinnoull St. Perth. PH1 5GD
[REDACTED]

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For up to date information on Coronavirus, see:

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Wash your hands.



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Avoid touching your face.

www.nhsinform.scot/coronavirus

From: Elizabeth Bremner Architecture elizabeth@elizabethbremnerarchitecture.co.uk
Subject: Re: 21/00736/FLL - Land 90 Metres North East Of North Lodge, Dunkeld
Date: 6 July 2021 at 09:26
To: John Russell J [REDACTED]



Morning John,

Is there anything more you require from me whilst you are writing your report?

Regards,
Elizabeth Bremner

Elizabeth Bremner Architecture

TREE SURVEY
&
ARBORICULTURAL REPORT
FOR

Trees at Land North East of North Lodge, Dunkeld
Perthshire

Requested by: Elizabeth Bremner Architecture
Prepared by: Martin Langton
Report reference: MGL
Date: September 2021

SUMMARY

This assessment has been carried out at the request of Elizabeth Bremner Architecture, in relation to a planning application for 2 residential dwellings to the North East of North Lodge, Dunkeld. I have been requested to conduct an arboricultural survey of the significant trees on and adjacent site. The site is an open field to the south and east of Spoutwells Brae and lies North East of North Lodge. The site lies within the local Dunkeld Conservation Area and consequently all trees are subject to statutory protection. With reference to Perth & Kinross Council web site, there appear to be no Tree Protection Orders on site.

Seventeen individual trees have been surveyed on and adjacent site. The trees have been assessed according to BS 5837:2012 '*Trees in relation to design, demolition and construction – Recommendations*', which provides an objective method to identify the quality and value of the existing tree population. All arboricultural information is presented at appendix 2.

The trees on site include 9 mature Beech trees at the east edge of the field and set above the proposal. These trees are locally prominent and provide significant amenity and landscape value; most are assessed category A (BS 5837). Seven trees have been surveyed beside the access road, Spoutwells Brae, they include 3 small Hawthorn and 4 Beech. The Beech are set on narrow banking between the road and the field in restricted space; the line extends further up the hill. They are mainly assessed B2 under BS 5837: 2012.

The tree locations are indicated on the Tree survey and constraints plan (plan 1), appendix 3, which identifies the above and below ground tree constraints in the form of crown spread, root protection areas (RPAs), and tree quality (according to BS 5837: 2012). The buildings are set well back from mature trees T1 to T9. There is potential conflict between roots of Tree B and the layout. It is possible that the proposal will require the removal of 1 small Hawthorn. If required, this tree can be replaced directly.

Tree protection measures are prescribed to safeguard the long term well-being of all retained trees. Trial investigation will be undertaken to determine the design of foundations near Tree B (Beech); and any subsequent excavation will be undertaken by hand, under direct arboricultural supervision and according to method statement, as required.

One new tree may require to be planted to replace the C category Hawthorn, as indicated in this report. Further planting could be carried out, with species choice reflecting site conditions, planting conditions and future growth in relation to infrastructure. Any such planting should be in keeping with the character of the area. Further details can be provided as required.

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ARBORICULTURAL REPORT

Land North East of North Lodge, Dunkeld, Perthshire

Brief: This tree survey report has been prepared in relation to proposed development of 2 residential dwellings on land North East of North Lodge, Dunkeld.

The trees on site have been assessed in the current context in accordance with British Standard 5837:2012 '*Trees in relation to design, demolition and construction-recommendations*' and in the light of my own experience. The is expanded to provide an arboricultural impact assessment and guidance for protection of the retained trees during construction works.

TREE SURVEY DETAILS

1 Scope of limitation of survey

- 1.1. This survey (and report) is concerned with the arboricultural aspects of the site only. The survey was carried out on 10th September 2021.
- 1.2. It is restricted to trees within the site or those immediately out with that may be affected by its re-development only. No other trees have been inspected.
- 1.3. The survey has been carried out following the guidelines detailed in British Standard 5837(2012) '*Trees in relation to design, demolition and construction-recommendations*'.
- 1.4. Only trees of significant stature have been surveyed: trees with a stem diameter less than 75mm and large shrubs have been excluded.
- 1.5. No plant tissue samples have been taken and no internal investigation of the tree has been carried out.
- 1.6. No soil samples have been taken and or soil analysis carried out.
- 1.7. I have no detailed knowledge of existing or proposed underground services.
- 1.8. Statutory protection: The trees are located within the local Dunkeld Conservation Area and therefore subject to statutory protection. The Local Authority must be consulted prior to undertaking any remedial tree work recommended in this report. With reference to Perth and Kinross Council web site, there appear to no Tree Preservation Orders on or adjacent site.

- 1.9. This report should be read in conjunction with the Tree Survey and Constraints Plan (plan 1) drawing that accompanies it (see appendix 3). Tree locations are taken from topographic site survey conducted by others.

2 Survey method

- 2.1 The survey has been conducted from ground level with the aid of binoculars.
- 2.2 It is based on an assessment from ground level and examination of external features only – described as the ‘Visual Tree Assessment’ method per Mattheck and Breloer- stage 1- (The Body Language of Trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 2.3 I have estimated the height of each tree visually having first measured a sample of trees across the site using a hypsometer.
- 2.4 Trunk diameters of single stemmed trees have been measured at 1.5m above ground level. Multi-stemmed trees have been measured just above the root flare, at the tree base.
- 2.5 The crown radii have been estimated by pacing and are given for the main compass points: north, south east and west.
- 2.6 Where access to trees was obstructed or obscured, measurements have been estimated.
- 2.7 The details of all inspected trees are given in the Tree Survey Schedule, appendix 2.

3 The site

3.1 The site is at the outskirts of Dunkeld and lies to the south and east of a small access road, Spoutwells Brae. The site borders residential development at Atholl Gardens, on the west side of Spoutwells Brae. It bounds with North Lodge to the south west. Beyond the East boundary is a public footpath, with a former tree nursery beyond and with a residential property at the north west end. The site is marked by post and wire fences.

3.2 The site consists of an open field, which extends north east to a point. Levels rise up to a prominent, linear group of substantial, mature Beech at the top of the field (as seen at plate 1). A row of closely spaced, maturing Beech runs along the banked verge of Spoutwells Brae, in the narrow area of ground between the road and field.

3.3 The site has a general westerly aspect. Soils appear to be mineral and free draining.

Development proposal

3.4 The development proposal is for 2 residential dwellings, with access from Spoutwells Brae.



Plate 1: View easterly of site with prominent, linear area of mature Beech at edge of field

4 Existing trees

- 4.1 10 substantial trees have been recorded on site (T1 to T10) and a further 7 trees have been surveyed in the vicinity of the access road, adjacent site: these are referenced A to G.
- 4.2 The locations of the trees are shown on the Tree Survey and Constraints Plan, plan 1, appendix 3. The tree details are shown on the Tree Survey Schedule at appendix 2, which provides a schedule of their species; age; condition; diameter; BS 5837: 2012 condition category (quality) and management recommendations.
- 4.3 The trees are principally Beech. The survey also includes a single Horse Chestnut (T10) and 3 small Hawthorn, as indicated at the Tree Survey Schedule.
- 4.4 T1 to T10: form a prominent linear group of mature Beech set above the site at the east edge of the field, as seen at plate 1. The trees are of generally good form and include several substantial fine specimens. The edge trees have characteristic crown form with bias west towards open space. One tree (T05) comprises 2 stems; all the other trees are single stemmed. As a group, the trees are of good condition and provide significant visual amenity and landscape value.



Plate 2: View westerly of trees beyond north edge of field. Beech dominates

- 4.5 Trees A to G: include 3 small Hawthorn (A to C). The main feature is the line of early mature Beech sited on steep banking between the access road and field. These trees are of variable form, but most are drawn, with crown bias north and south towards space. See plates 2 and 3.



Plate 3: View westerly of line of Beech on banking between access road and the site. Tree D highlighted

4.6 T10 Sycamore is a semi-mature Horse Chestnut in a railed enclosure.

Tree Quality Categorisation

4.7 Although the assessment of a tree's condition is a subjective process, British Standard 5837: 2012 gives clear guidance on the appropriate criteria for categorising trees and the factors that assist the arboriculturist in determining the suitability of a tree for retention.

4.8 Under BS 5837: 2012, trees can be categorised as follows (see appendix 5 for full details):-

Category U: Trees of poor condition, such that any existing value could be lost within ten years and which, in the current context, could be removed for reasons of sound arboricultural management.

Category A: Trees of high quality and value: in such a condition to make a substantial contribution to amenity (a minimum of forty years is suggested).

Category B: Trees of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested).

Category C: Trees of low quality and value which might remain for a minimum of 10 years, or young trees with uncertain potential.

4.9 The tree survey population has been assessed as follows:-

Tree Quality Assessment Category					
	A	B	C	U	Total
Trees on site (T1-T10)	7	3	0	0	10
Trees mainly adjacent site (TA-G)	0	5	2	0	7
Total	7	8	2	0	17
Percentage	41%	47%	12%	0%	100%

Table 1: BS 5837: 2012 tree quality overview

4.10 Most of the mature Beech at the top of the field (T1-T9) are assessed 'A' category. These trees are of good form and condition; they are locally prominent and of high landscape value. They are of long term potential and should be an asset to any suitable development on site. The 2 B category trees, T05 and T06 contribute to site amenity and with the defects described are of medium term potential.

4.11 The 4 surveyed Beech trees located beside the access road are assessed category B. They are drawn in nature and have defects including weak compression unions (Trees D & E) and stem bend (Tree F). In my opinion, these trees have short to medium term potential but provide effective screening: The wider group of trees (not surveyed) extends beside the access road and can be considered category B. Hawthorn 'Tree B' is a marginal category B tree. It provides a relatively minor contribution to site amenity.

4.12 The 2 C category trees are both Hawthorn – Trees A and C. These small trees are restricted by reduction pruning and are easily replaced by new planting.

4.13 No U category trees have been recorded.

Arboricultural recommendations in the current context

4.14 With reference to the Tree Survey Schedule (appendix 2), none of the trees is considered for removal in the current context.

4.15 The Tree Survey Schedule provides recommendations for minor remedial arboricultural work. This is restricted to removal of a hanging branch propped against T2 Beech.

5 Tree constraints

5.1 Following my inspection of the trees, the information provided at appendix 2 has been used to provide constraints guidance, based factors such as the location of the tree, tree quality, crown spread and available rooting.

5.2 The Root Protection Areas (RPA): (the area where ground disturbance must be carefully controlled) have initially been established according to the recommendations set out in table 2 and section 5 of BS 5837: 2012. This is based on the trunk diameter. In some instances, root spread and morphology is likely to differ due to ground conditions, structures, and site history (as set out in BS 5837: 2012 at sections 4.62 and 4.63). Rooting is likely to be restricted by existing hardstanding at Spoutwells Brae and by the roots of neighbouring trees beside this road.

5.3 The crown spreads (and tree height) represent the above ground constraints to development. Shading is a consideration, although relatively minor as the line of Beech T1 to T9 are set well back from the proposed dwellings. These deciduous trees will cast shade in summer at but allow light to penetrate during winter months. The mature trees T01 to T09 are set well back and out-with falling distance of proposed dwellings. The above and below ground constraints, as discussed above, are shown on the Tree Constraints Plan (see plan 1, appendix 3).

5.4 The A and B category trees provide the main constraint to development. These include most of the trees surveyed.

New tree planting

5.5 Any tree removals necessary to accommodate proposals should be mitigated by appropriate replacement tree planting in order to restore amenity, and screening where possible. Species used in new planting should fit well with site conditions, ecology, planting conditions and future growth in relation to infrastructure. Planning should consider species habitat, future maintenance of the trees and species under threat from disease. Any such planting, if required, should be in line with the character of the area.

Future management

5.6 Future management of trees should aim for long term retention of the main arboricultural feature, the line of Beech, T01 to T09. Remedial pruning should be informed by regular inspection. Any necessary tree removals in future should be accompanied by appropriate new planting. The trees should be managed in line with the requirements of statutory protection afforded by the local Conservation Area.

DEVELOPMENT

6 Arboricultural impact assessment

Tree removal

6.1 The proposal may require the removal of 1 small tree, a Hawthorn, Tree C, due to proximity to the new building. This tree is a roadside tree and can be replaced readily on this site, if required. The relationship between this tree and the development can be seen on the Tree protection plan (plan 2).

Pruning to facilitate development

6.2 The following pruning should be carried out to facilitate the development proposal:-

- Tree D, Beech: remove primary branch from 1.6m (South) and crown lift to 6m height over site

Tree retention

6.3 All of the trees forming the linear group at the eastern edge of the field will be retained. These trees are a benefit to the development proposal, providing shelter, visual amenity, and screening. With the possible exception of Tree C Hawthorn, all other trees on and adjacent site can be retained. Successful tree retention will depend on the effective implementation and design of tree protection measures prescribed later in this report (see section 7). This will include trial investigation to inform foundation design near Tree D, Beech.

Post development pressures – shading, leaf fall and branch breakage

6.4 Providing the tree work is carried out as recommended at section 6.2 and at appendix 2, and trees are protected during construction, as detailed in this report, there are no undue concerns regarding post-development pressures. The large mature Beech trees T01 to T09 are of medium to long term potential and lie out-with falling distance of the dwellings, as previously indicated.

6.5 The trees should be inspected at regular intervals in the future as part of routine arboricultural management.

Mitigation: tree planting

- 6.6 The potential loss of Hawthorn Tree C should not be of concern, in my opinion, as this tree can be replaced directly following construction, if required.
- 6.7 There is potential for further planting, which could include some boundary planting of native shrub and tree species. Suggested species could include Flowering Cherry or Malus spp. Tree size should be heavy standard size 10-12cm girth to provide impact. Further details can be provided if required.

Access to site and storage of materials

- 6.8 Access to site will be developed from the access road to the west of the site. This will provide access for construction and in the long term to the property.
- 6.9 There is plenty of space on site for materials to be stored out-with the RPAs of retained trees (see section 7).

7 Tree protection requirements

Root Protection Areas (RPAs) and Construction Exclusion Zones (CEZ)

- 7.1 The development proposal is of a small scale, conducive to close supervision, where required. Any excavation work near trees will be subject to direct arboricultural supervision. This will include trial hand excavation near Tree D Beech.
- 7.2 For retained trees to be protected during construction and to flourish post-development, it will be essential to restrict root severance or compaction of soils within the Root Protection Areas (as shown on the Tree survey and Constraints Plan (plan 1)). On this site, this is likely to require a combination of tree protection fencing, with ground protection and possible low impact foundation design near Tree D.

Tree protection fencing and ground protection

7.3 Robust protective barrier fencing should be erected, preferably at the limit of the RPA, to form Construction Exclusion Zones around retained trees. **This must be done before any construction activity takes place or machinery is brought to site.** The location of Tree protection fencing is indicated in the Tree protection plan (plan 2) at appendix 3.

7.4 The design of fencing suitable for purpose and compliant with BS 5837 is given at appendix 1. The fencing shall be at least 2.1m high and comprise of standard 'Heras' welded mesh mounted on a scaffold framework. Where possible, all fencing must be fixed in to the ground to withstand accidental impact from machinery and to ensure that the protective area is maintained. BS 5837: 2012 allows for the use of tree protective fencing in conjunction with ground protection. Where required, this should be as indicated at appendix 1A. Scaffolding near trees can be positioned on ground protection as indicated at appendix 1B.

Other precautions

7.5 Within the CEZs the following prohibitions must apply:-

- No vehicular or plant access
- No mechanical digging or scraping
- No storage of plant, equipment, materials, or soil
- No hand digging
- No lighting of fires
- No handling discharge or spillage of any chemical substance, including cement washings

Underground utilities

7.6 Guidelines set out in the National Joint Utilities Group publication NJUG *Volume 4, Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees* will be adhered to during excavation works close to or partially within the RPAs.

7.7 NJUG Volume 4 can be downloaded at <http://www.njug.org.uk>

Careful excavation within the Root Protection Area and foundation design

7.8 The footprint of the building encroaches on part of the RPA of Tree D Beech.

7.9 Where excavation is required within the RPA in connection with installation of foundations near Tree D, work should be carried out to conform to clause 7 of BS 5837: 2012. Excavation within the RPA must be undertaken by hand

or with the use of an air spade to limit the potential for root damage and ensure that root severance is kept to a minimum.

- 7.10 Any roots which are encountered during excavation should be cut back cleanly with secateurs. The excavation areas should be backfilled with inert granular material mixed with topsoil. Finer roots should be retained in bundles. See appendix 4 for further details.
- 7.11 Initial trial investigation will be used to determine foundation design, depending on the presence or absence of tree roots. This will be carried out, as above, under direct arboricultural supervision. If required, foundation design will be of low impact (as per BS 5837: 2012, section 7.5), involving either raft design or pile and beam combination, using the smallest practical pile diameter and located to avoid major tree roots. Further information can be provided as required.
- 7.12 The final design of foundations will be arrived at by the project engineer, to be agreed by the Local Authority tree officer.

Trees and construction: overview

- 7.13 Tree rooting is widely misunderstood, and it is a surprising fact that typically, 80% of roots will be found in the upper half metre of soil and often extend well beyond the canopy spread. Threat to trees from development comes from:-
- Root severance and fracture
 - Compaction of the soil, preventing gaseous exchange and moisture percolation
 - Possible changes to moisture gradients due to surface water run-off or interception
 - Physical damage to low branches, trunk and root crown
- 7.14 The consequences for the tree of such damage are:-
- Instability, if severe enough
 - Entry points for pathogenic fungi at wounds and fractures
 - Loss of vitality and predisposition to pathogens
- All of these can lead to root death which can cause a general decline or possible death of the tree.
- 7.15 As well as the physical footprint of any new structure, allowance needs to be made for the essential space requirements for construction activity. This includes machinery access, material storage and parking.
- 7.16 Further details can be provided as required.

8 ARBORICULTURAL RECOMMENDATIONS

8.1 Tree works: should be carried out by suitably experienced tree surgeons. Tree felling and pruning should comply with BS 3998: 2010 'Tree Work-Recommendations'.

8.2 Statutory wildlife obligations: The Wildlife and Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004 provide statutory protection to birds, bats and other species that inhabit trees. All tree work operations are covered by these provisions. Prior to undertaking any tree work, the trees should be inspected by a suitably qualified ecologist for the presence of Bat roosts. Prior to undertaking tree works the Contractor should make a visual inspection of the tree for Bat roosts. If Bats and/or roosts are identified, Scottish Natural Heritage (SNH) should be contacted, and an agreement made with regard to measures to be undertaken to protect Bats before undertaking any work which might constitute an offence.

8.3 Tree protection measures: as detailed in this report should be used to protect the retained trees. The implementation of these measures and subsequent adherence should be supervised by an arboricultural consultant/and or the Local Authority tree officer.

8.4 Appropriate replacement tree planting should be carried out post-construction as outlined in this report to ensure sustained, effective long term tree cover on site. Choice of species should fit well with site conditions, planting conditions and future growth in relation to infrastructure.

Martin Langton
Bsc (Hons) For, MICFor, CEnv

Appendix 1: Tree protection measures

Tree Protection Fencing

Default specification for protective barrier

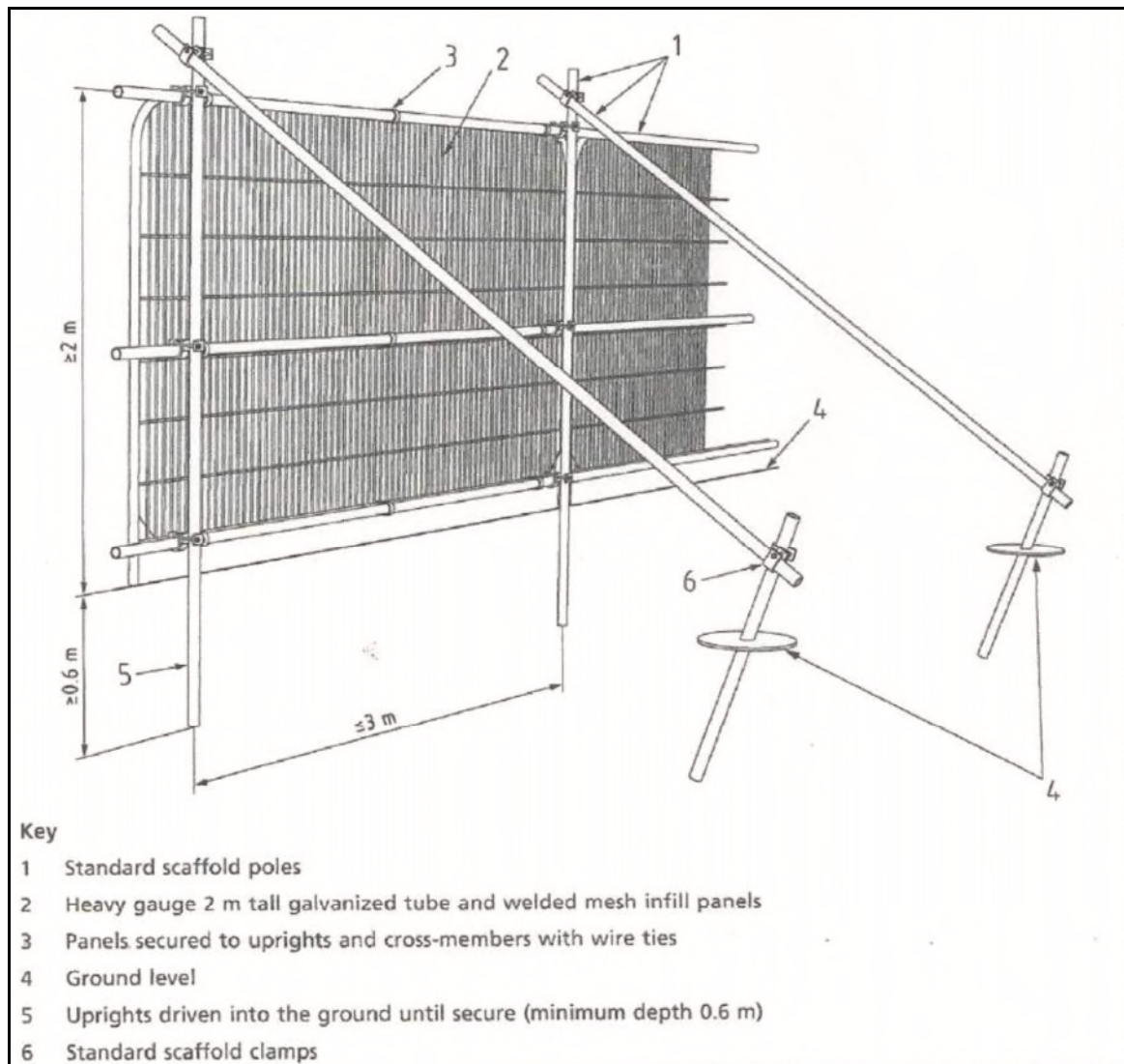


Figure 1: Tree Protective Fencing diagram from BS 5837: 2012

Heras Fencing

Heras fencing describes the 2.1m galvanised steel mesh panelled fencing normally supplied with pre-cast concrete bases. **Bases are to be replaced with a fixed wooden frame to which panels are clamped/firmly fixed.** For extra stability, scaffold poles/4 x 4 wooden posts are to be firmed in to the ground as supporting posts and supporting struts are to be attached at a 45 degree angle on the 'tree side' of the fencing and fixed in to the ground, as required.

Examples of ground stabilising systems

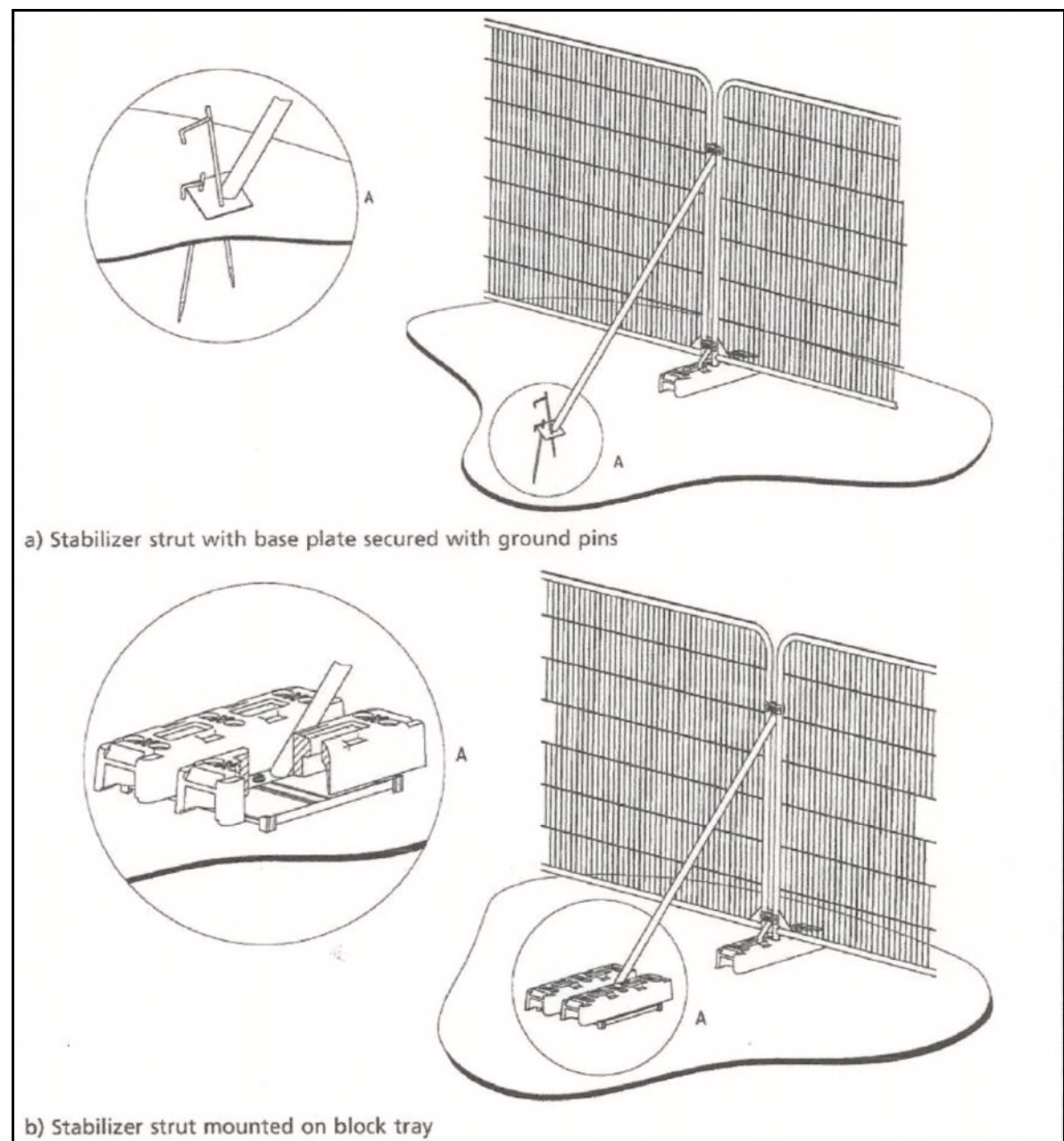
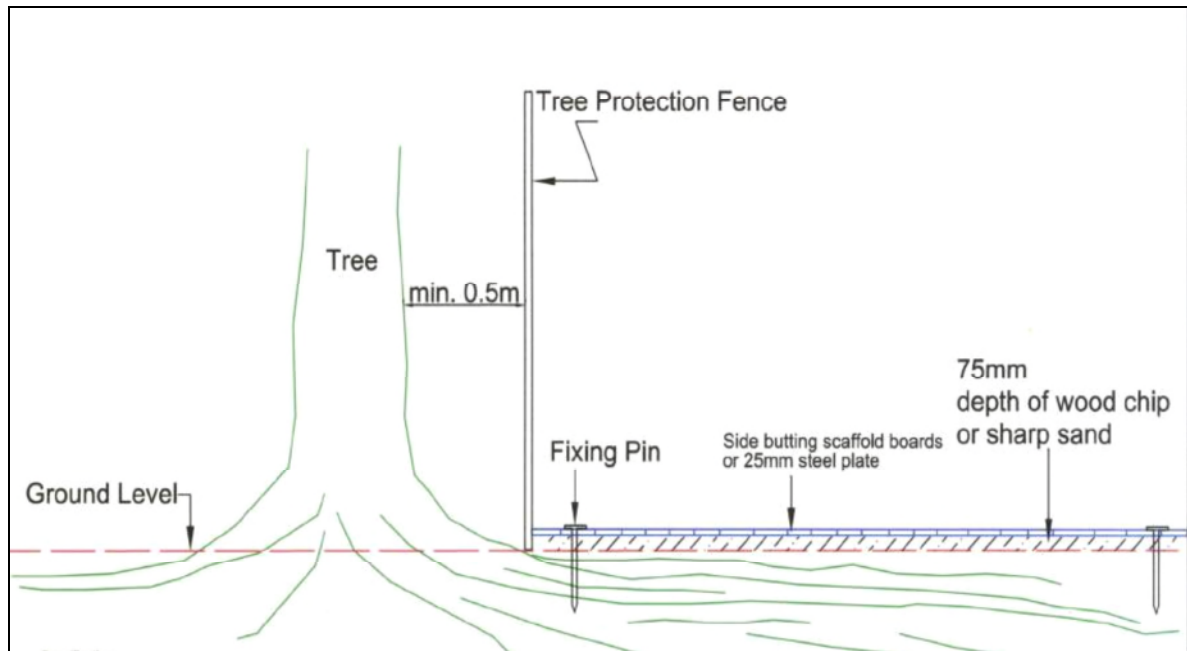


Figure 2: Ground stabilisation (from BS 5837: 2012)

Appendix 1A

Ground protection within the Root Protection Area if required

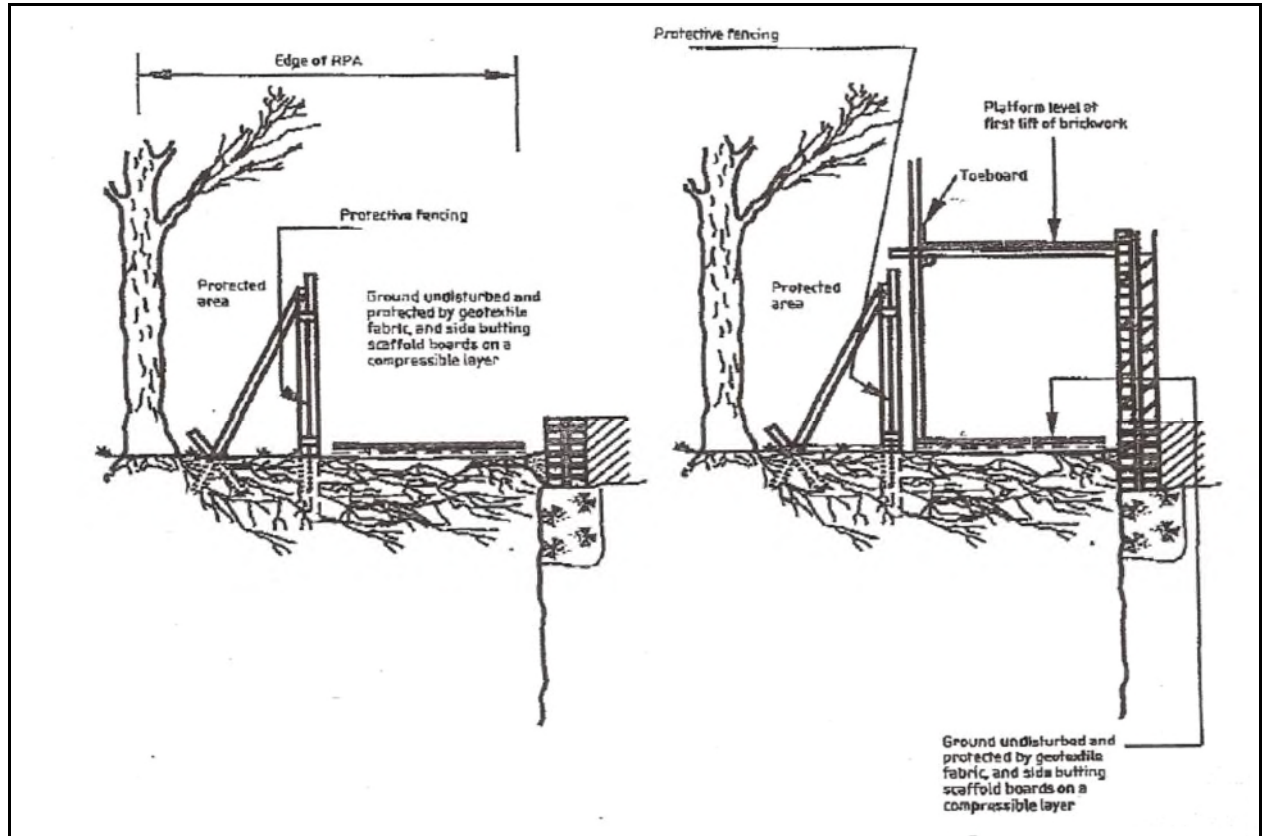


Specification:-

1. Lay min. 75mm of sharp sand/wood chip over identified ground area.
2. Lay side-butting scaffold boards/25mm steel plates over sand/wood chip.
3. Fix ground protection in place with pins/pegs.
4. Erect protective fencing (where feasible).
5. Erected scaffolding can act as protective fencing.
6. Remove ground protection upon completion/landscaping only

Appendix 1B

The use of scaffolding in conjunction with ground protection within the RPA



Appendix 2

Tree Survey Schedule

Appendix 3

Tree Survey and Constraints Plan (plan 1)

Tree Protection Plan (plan 2)

Appendix 4

Method statement for hand digging near trees

1.0 Introduction

- 1.1 Within and adjacent to areas of construction, trees valued as important landscape assets may exist. It is possible such trees are protected by legislation in the form of a Tree Preservation Order, conservation area or by planning conditions. In either case, disregard to the tree's well-being by causing damage to the roots, trunk or branches may be an offence. Consent from the Local Planning Authority may be required to undertake works that may have an impact on the tree prior to commencement.
- 1.2 Whilst the trunk and branches of a tree can be seen and are therefore more easily avoided, tree roots are concealed beneath the ground. Their hidden nature can lead to inadvertent damage from the construction processes. The whole tree can be adversely affected depending upon the extent of any root damage. It is for this reason that it is necessary to ensure adequate precautions are adopted when considering construction in the vicinity of trees.
- 1.3 Hand digging rather than excavation by mechanical means has proved to be an effective way of limiting the effects of construction on nearby trees. It is often considered impractical, time consuming and costly to excavate by hand when machinery exists specifically for the purpose of digging. However, avoidance of unsustainable damage being caused to important trees through hand digging may far outweigh subsequent costs associated with legal penalties and loss of amenity.
- 1.4 Below are detailed the basic principles to acknowledge in respect of tree roots and the practical steps that can be taken to avoid causing unsustainable damage to trees.

2.0 Tree root damage – how it can occur

- 2.1 The majority of tree roots exist in the upper 600mm of soil. Even shallow excavation can therefore be harmful to tree roots and consequently the tree.
- 2.2 Tree root systems comprise two main root types: those that anchor the tree in the ground and those that supply the tree with water and elements. Roots that support the tree are woody and those that are involved with the conduction of water and nutrients are non woody and fibrous. Both types of roots can be damaged directly by severing or crushing. Fibrous roots can die from asphyxiation by soil compaction and/or soil contamination. Trees differ in their tolerance

of root loss or disturbance, according to their species and condition or both.

- 2.3 In general, the larger the root damaged, the greater the impact on the tree.

3.0 Hand digging in the vicinity of trees – the process

- 3.1 First it is necessary to consider all available options in order to construct beyond the likely range of influence on the tree's condition – this can be calculated by multiplying the tree trunk circumference (at 1.5m above ground level) by 4 (NJUG 10) or by reference to table 1 of BS 5837:2005 'Tree in Relation to Construction. Recommendations'. This area is called the Precautionary Zone or Root Protection Area. When it is established that no options are available other than to construct within this zone, hand digging will be needed. When considering hand digging, an appointed specialist supervisor/consultant will be able to advise during construction and must be on site at the commencement of works.
- 3.2 Before beginning to dig, mark out the precautionary area with ground marker paint, clearly on the ground. This will identify the area within which hand digging must take place. For safety, ensure there are no underground services that may cause injury if damaged. Any existing protection fencing is to be located to the nearest position of construction and fixed in place, between the tree and area of construction. It will be clearly visible to operators thereafter where hand digging will be undertaken. The use of mechanical digging equipment to remove the top surface layer (50-100mm) is to be avoided and hand tools are required for this exercise too.
- 3.3 When hand digging, using typical hand tools, carefully work around roots, retaining as many as possible. Using a brush will expose roots cleanly before deciding whether it will be necessary to prune. Care must be taken not to damage roots, including the roots' bark.
- 3.4 Retain all roots with a diameter greater than 25mm. Where such roots must be removed, after consulting a trained arboriculturalist (e.g. Local Authority Tree Officer or the appointed Consultant), these roots must be pruned with sharp cutting tools such as handsaw, secateurs or pruners. The cut must leave the smallest wound possible and the root must be left as long as practicably possible. Roots in excess of 50mm diameter are to be retained and protected by surrounding the root with un-compacted sharp sand, void-formers or other compressible materials.
- 3.5 Where roots do not exist, e.g. beyond the depth of the rooting area, mechanical excavation should not be considered without specialist supervision.
- 3.6 All spoil is to be deposited beyond the precautionary zone. Soil build up can cause roots to die.

- 3.7 As soon as practicable, exposed roots are to be covered with loose backfill material such as soil/sand mix to offer immediate protection. When excavating for the introduction of posts, pads or piles, the sides of the pits should be lined with a geotextile material to prevent the potential for lime scorching of small diameter roots.
- 3.8 Where it is impossible to avoid completing the construction in one day, for example, any exposed roots or their cut ends are to be covered with sacking material over night to prevent drying out and to add protection. This is particularly important in winter months, where frost can cause further damage to roots.
- 3.9 Upon completion of the hand digging, where appropriate, protection fences are to be relocated and fixed in their original position.

Attached is an extract from National Joint Utilities Group publication No.10 1995, 'Guidelines for the planning installation and maintenance of utility services in proximity to trees'. In addition Table 2 from BS 5837:2005 'Trees in Relation to Construction. Recommendations' is provided.

Before considering hand digging and determining precautionary zones or root protection areas, specialist arboricultural advice should be sought.

In the Precautionary Area:

- **Don't** excavate with machinery. Use trench-less techniques where possible. Otherwise dig only by hand.
- When digging, carefully work around roots, retaining as many as possible.
- **Don't** cut roots over 25mm in diameter, unless the Council's Tree Officer agrees beforehand.
- Prune roots which have to be removed using sharp tools (e.g. secateurs or handsaw). Make a clean cut and leave as small a wound as possible.
- Backfill the trench with an inert granular material and top soil mix. Compact the backfill with care around the retained roots. On non-highway sites backfill only with excavated soil.
- **Don't** repeatedly move/use heavy mechanical plant except on hard standing.
- **Don't** store spoil or building material, including chemicals and fuels.

Frost can damage exposed roots. If trenches are to be left open overnight, cover the roots with dry sacking. Remember to remove the sacking before backfilling.

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Appendix 5: Cascade chart for tree quality assessment: BS 5837: 2012

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Table 1 Cascade chart for tree quality assessment			
Category and definition	Criteria (including subcategories where appropriate)		
Trees unsuitable for retention (see Note)			Identification on plan
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	<ul style="list-style-type: none"> Trees that have a serious, irreparable, structural defect, such that their early loss is expected due to collapse, including those that will become unsuitable 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 		See Table 2
NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.			
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
			See Table 2

BS 5837:2012

BRITISH STANDARD

Appendix 2

Tree survey schedule: Land North East of North Lodge, Dunkeld

Requested by: Elizabeth Bremner Architecture
 Site: land to North East of North Lodge, Dunkeld
 Date of Survey: 10th September 2021
 Arboricultural consultant/surveyor: Martin Langton
 Weather: Dry with bright intervals

Tag	Species	Height (m)	Diam (m)	Stem Br <1.5m	Crown Spreads (m)			Height CC (m)	RPA Rad (m)	Age Class	Phys Cond	BS Cat	Est rem cont.	Comments	Recommendations	Recommendations Development
01	Beech <i>Fagus sylvatica</i>	21	1.02	1	8.0	4.0	8.0	12.0	2.0	M	Good	A2	>30	Large tree on banking; part of prominent group. 2 stems (E/W) from fork at 6m. Crown bias west towards space.	-	-
02	Beech <i>Fagus sylvatica</i>	15	0.70	1	2.0	5.0	2.0	10.0	8.40	M	Fair-good	A3	20 to 40	Major crown bias west at edge of tree cover. Major dead wood at 6m over low risk area. Hanging branch from 3m.	Remove hanging branch from 3m.	-
03	Beech <i>Fagus sylvatica</i>	22	0.90	1	5.0	6.0	8.0	8.0	10.80	M	Good	A2	>30	Erect tree of good form with straight stem. 50mm dead wood at 6m (East).	-	-
04	Beech <i>Fagus sylvatica</i>	21	0.90	1	5.0	4.0	9.0	6.0	10.80	M	Good	A2	>30	Large tree of generally good form. Large primary scaffolds from good tension unions. Good buttress formation.	-	-
05	Beech <i>Fagus sylvatica</i>	13	0.90	2	4.0	5.0	1.0	10.0	9.00	M	Fair-good	B2	20 to 30	2 stems [0.6; 0.55] from ground level, with tight union. Major crown bias west. Physical damage to bark at lower bole. Suppressed crown form, restricted by T4.	-	-
06	Beech <i>Fagus sylvatica</i>	18	0.60	1	3.0	5.0	2.0	8.0	7.20	M-A	Fair-good	B2	20 to 40	Major crown bias west. Physical damage to bark at lower bole NW. Large area of bark loss at south side of stem, with minor decay.	-	-
07	Beech <i>Fagus sylvatica</i>	20	0.80	1	4.0	5.0	10.0	8.0	9.60	M	Good	A2	>30	Generally good form on banking.	-	-
08	Beech <i>Fagus sylvatica</i>	19	0.70	1	4.0	3.0	7.0	6.0	8.40	M-A	Good	A2	>30	Minor stem lean east. Long single stem. Minor damage at base (W).	-	-
09	Beech <i>Fagus sylvatica</i>	17	0.92	1	5.0	5.0	5.0	11.0	11.04	M	Good	A2	>30	Generally good form on banking; major crown bias west. Minor decay at structural roots from past browsing.	-	-
10	Horse Chestnut <i>Aesculus hippocastanum</i>	9	0.35	1	4.0	5.0	4.0	5.0	4.20	S-M	Fair-good	B1	20 to 40	Generally good form in railed enclosure.	-	-
A	Hawthorn <i>Crataegus monogyna</i>	3	0.10	M	2.0	3.0	2.0	1.5	1.00	S-M	Fair-good	C1,2	10 to 20	Small tree of reasonable form between fence and road.	-	-
B	Hawthorn <i>Crataegus monogyna</i>	2	0.25	M	1.5	2.0	2.0	0.5	2.50	S-M	Fair-good	B2	10 to 20	Small tree pruned to 1.5m height with regrowth.	-	-
C	Hawthorn <i>Crataegus monogyna</i>	2	0.15	M	1.0	2.0	1.5	0.5	1.50	S-M	Good	C1,2	10 to 20	Small tree pruned to 1.5m height with regrowth.	-	Remove tree and replace directly if required.

Tag	Species	Height (m)	Diam (m)	Stem Br <1.5m	Crown Spreads (m)			Height CC (m)	RPA Rad (m)	Age Class	Phys Cond	BS Cat	Est rem cont.	Comments	Recommendations	Recommendations Development
D	Beech <i>Fagus sylvatica</i>	15	0.68	1				0.5	8.16	M-A	Good	B2	20 to 40	Sited on low banking beside road. Primary branch from compression union at 1.6m (South). Spreading crown and previous crown lift pruning beside road.	-	-
E	Beech <i>Fagus sylvatica</i>	19	1.15	1				0.5	13.80	M	Good	B2	20 to 40	1 of line of trees on banking beside road. Compression fork at 3m (N/S), with no obvious included bark at union. Large base; upright primary ste from 1.6m (SW).	-	-
F	Beech <i>Fagus sylvatica</i>	19	0.50	1				0.5	6.00	M-A	Fair-good	B2	10 to 30	Stem bend at 3m correcting south. Unusual form at base from structural roots, only minor decay noted.	-	-
G	Beech <i>Fagus sylvatica</i>	19	0.60	1				3.0	7.20	M-A	Fair-good	B1	20 to 40	Drawn tree - 1 of 4 in line beside road.	-	-

Key:-

Stem branch<1.5m: M = multi-stemmed; 2 = twin stemmed

Height CC: Height of crown clearance

RPA radius: radius of Root Protection Area

Age-class: 0-M = over-mature; M = mature; M-A = early mature; S-M = semi-mature; Y = Young

Phys cond: Physiological condition

Est. rem cont: Estimated remaining contribution (years).

Prel. Man. Res.: Preliminary management recommendations

Cat Grading: Category grading as per B.S. 5837: 2012.



KEY

Tree Categories

Canopy spreads and tree number have been plotted in different colours according to the 'Retention Category' assigned to the tree: (see categories below)

- Tree Category A (Green) - (BS 5837:2012)
- Tree Category B (Blue)
- Tree Category C (Grey)
- Tree Category U (Red)

Root Protection Areas (RPA's)

RPA's are indicated by a black circle centred on the corresponding tree

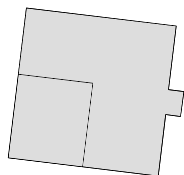




Langton Tree Specialists

ARBORECENTRAL ASSESSMENT TREE PLANNING & DESIGN LANDSCAPE MANAGEMENT

TITLE	Tree Survey and Constraints Plan (PLAN 1)		LOCATION	North East of North Lodge, Dunkeld	
	DRAWN:	SCALE:	DATE:	DRAWING No.:	
	S. Dickson	1:200	20.09.2021	0117(226)01 - Tree	
Langton Tree Specialists Ltd.					
Station House, Station Road, Gateside, Fife, KY14 7ST					
e-mail : martin@langtontreespecialists.co.uk			www.langtontreespecialists.co.uk		
TEL : 01337 868446			MOB : 07780 635990		



Key:	Date:	Drawn:	Details:

 **Langton Tree Specialists**
ARBOREICULTURAL ASSESSMENT | TREE PLANNING & DESIGN | LANDSCAPE MANAGEMENT

LANDSCAPE ARCHITECTURE | LANDSCAPE DESIGN | LANDSCAPE MANAGEMENT | TREE PLANNING & DESIGN | LANDSCAPE ASSESSMENT | ARBORICULTURAL ASSESSMENT

TITLE

Tree Retention and Removals Plan (PLAN 2)

TITLE	LOCATION
Tree Retention and Removals Plan (PLAN 2)	North East of North Lodge, Dunkeld

S.Dickson,	1:200	22.09.2021	0117(226)-01 - Tree
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Langton Tree Specialists Ltd.

Station House, Station Road, Gateside. Fife. KY14 7ST

e-mail : marin@langtontreespecialists.co.uk www.langtontreespecialists.co.uk

TEL : 01337 868446
MOB : 07780 635990



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100401084-001

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

Type of Application

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

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

Description of Proposal

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

Erection of two dwelling houses on vacant land

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Elizabeth Bremner Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Elizabeth	Building Name:	
Last Name: *	Bremner	Building Number:	2A
Telephone Number: *	07802891868	Address 1 (Street): *	Southfield Road East
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH15 1QW
Email Address: *	elizabeth@elizabethbremnerarchitecture.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Eric and Jane	Building Name:	North Lodge
First Name: *		Building Number:	
Last Name: *	Bremner	Address 1 (Street): *	Spoutwell
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Dunkeld
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PH8 0AZ
Fax Number:			
Email Address: *	elizabeth@elizabethbremnerarchitecture.co.uk		

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Vacant land 50 metres north west of North Lodge, Spoutwell, Dunkeld PH8 0AZ

Northing

742953

Easting

302677

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-Application enquiry

Title:

Mr

Other title:

First Name:

John

Last Name:

Russell

Correspondence Reference
Number:

20/00477/PREAPP

Date (dd/mm/yyyy):

14/10/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

3260.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

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

Vacant land

Access and Parking

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

☐

Yes

☒

No

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

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

☐

Yes

☒

No

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

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

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

☒

Yes

☐

No

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

☒

Yes – connecting to public drainage network

☐

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

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

☒

Yes

☐

No

Note:-

Please include details of SUDS arrangements on your plans

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

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin-top: 0;">Assessment of Flood Risk</h2> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin-top: 0;">Trees</h2> <p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin-top: 0;">Waste Storage and Collection</h2> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> <p>Hard surfaced bin stance suitable for standing for general waste and recyclable waste</p> </div>	
<h2 style="margin-top: 0;">Residential Units Including Conversion</h2> <p>Does your proposal include new or additional houses and/or flats? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many units do you propose in total? * 2</p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>	
<h2 style="margin-top: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<h2 style="margin-top: 0;">Schedule 3 Development</h2> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p>If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>	

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Elizabeth Bremner

On behalf of: Eric and Jane Bremner

Date: 24/04/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☐ Photographs and/or photomontages.

☒ Other.

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

Design Statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

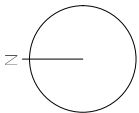
Declaration Name: Ms Elizabeth Bremner

Declaration Date: 24/04/2021

Payment Details

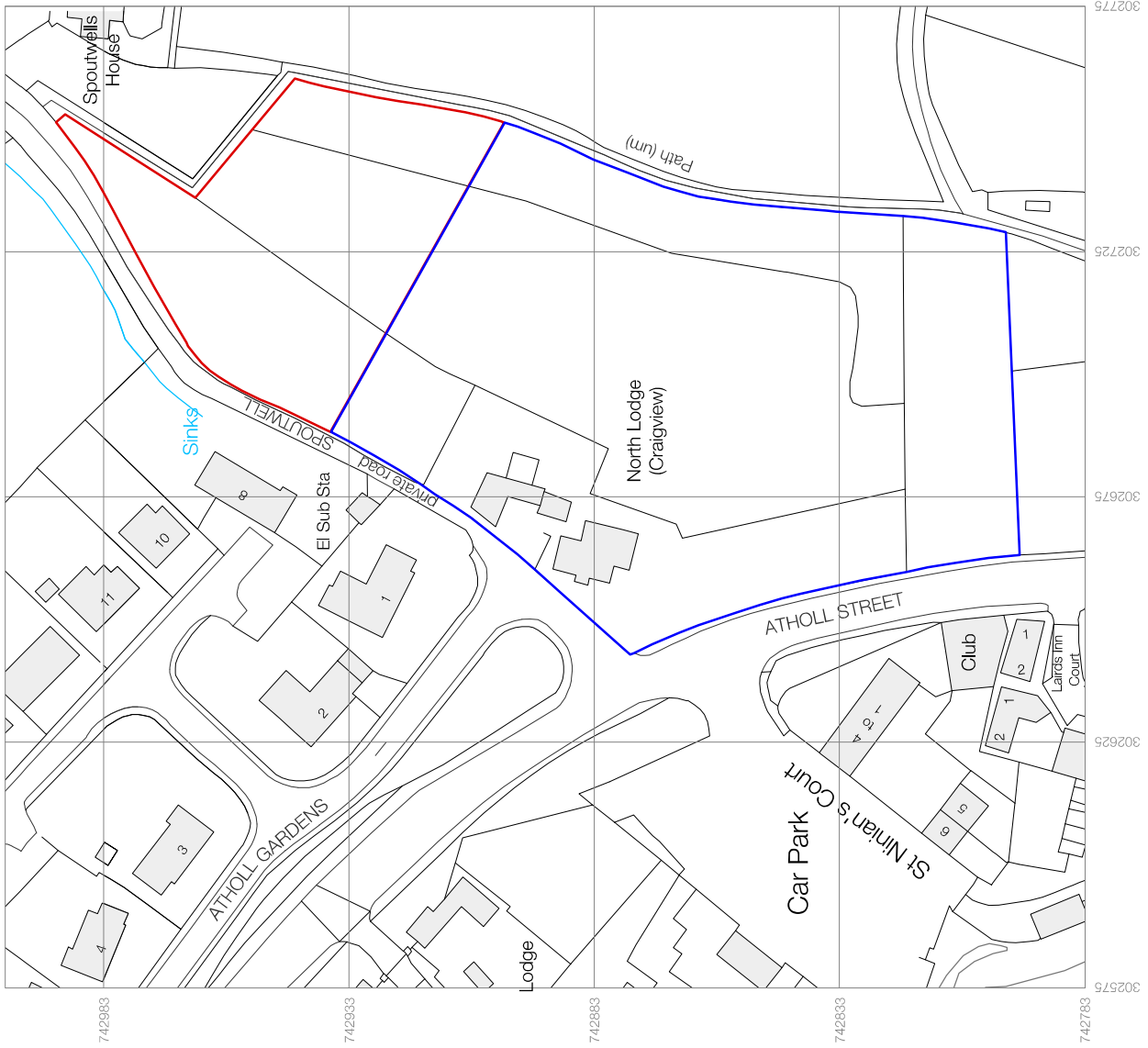
Pay Direct

Created: 24/04/2021 19:01



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1. Do not scale dimensions from this drawing.
2. All dimensions are to be verified and checked on site by the Main Contractor before any work is carried out.
3. All discrepancies are to be reported to the architect immediately.
4. This drawing is to be read in conjunction with consultants and Specialists' drawings, specifications and schedules.



Elizabeth Bremner Architecture

2A Southside Road East Edinburgh EH15 1QW

E elizabeth@elizabethbrennerarchitecture.co.uk

T +44(0)7502 891 868

Project Two proposed houses on vacant land 50 metres North East of North Lodge, Dunkeld PH8 0AZ

Title Location plan

Scale	Date	Status
1:1000 @ A3	April 2021	Planning Application
Project no.	Drawing no.	Revision
202	(L) 01	

1. Do not scale dimensions from this drawing.
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4. This drawing is to be read in conjunction with consultants and Specialists' drawings, specifications and schedules.



Elizabeth Bremner Architecture

2A Southside Road East Edinburgh E11 5 10W

E: elizabeth@elizabethbremnerarchitecture.co.uk

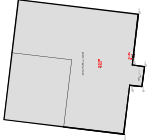
T: +44(0)7502 891 898

Project: Two proposed houses on vacant land 50 metres North East of North Lodge, Dunkeld PH8 0AZ

Title: Block Plan - existing

Scale	Date	Status
1:500 @ A3	April 2021	Planning Application
Project no.	Drawing no.	Revision
202	(L) 02	

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Spoutwells House

Elizabeth Bremner Architecture

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E: e.bremner@elizabethbremnerarchitecture.co.uk
T: +44(0)7602 891 868

Project: Two proposed houses on vacant land, 50 metres North East of North Lodge, Dunkeld PH8 0AZ
Title: Block Plan - proposed

Scale	Date	Status
1:500 @ A3	April 2021	Planning Application
Project no	Drawing no	Revision
202	(L) 03	



1. Do not scale dimensions from this drawing.
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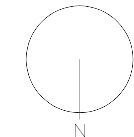
Elizabeth Bremner Architecture

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T +44(0)7602 891 868

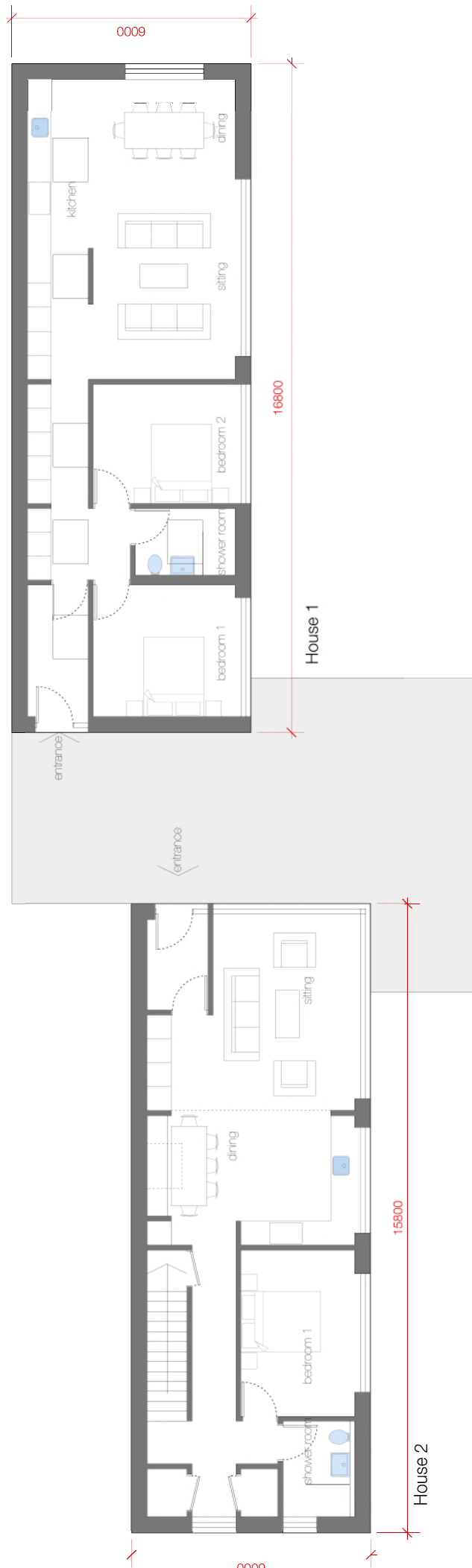
Project Two proposed houses on vacant land 50 metres North East of North Loogie, Dunkeld PH8 0AZ
Title Site Plan - proposed

Scale	Date	Status
1:200 @ A3	April 2021	Planning Application
Projectno	Drawingno	Revision
202	(L-) 04	



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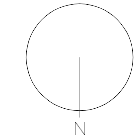
E e.zabett@elizabethbremnerarchitecture.co.uk
T +44(0)7602 891 868

Project TBlock Plan

North East of North Lodge, Dunkeld PH8 0AZ

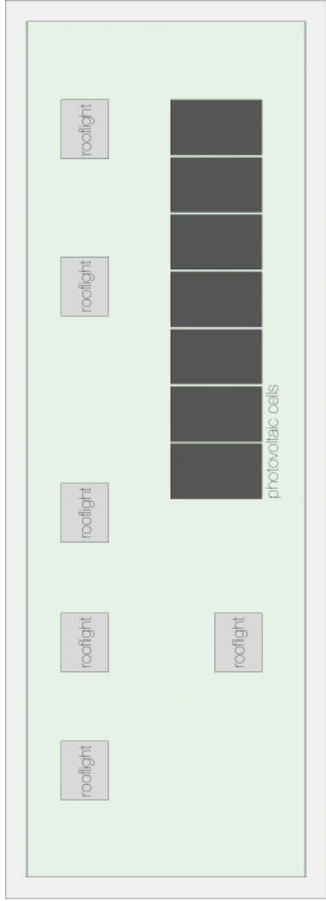
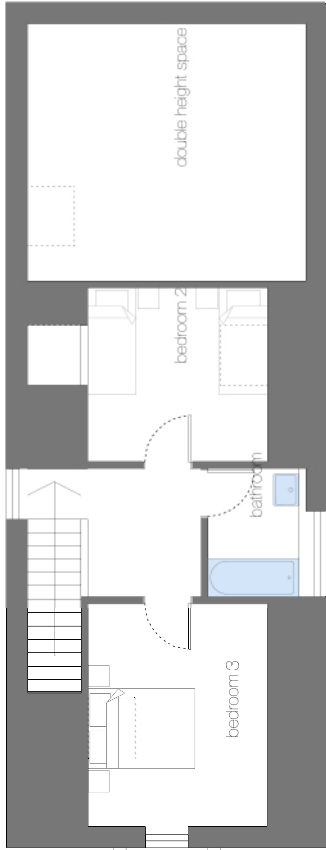
Title Ground floor plan

Scale	Date	Status
1:100 @ A3	April 2021	Planning Application
Project no	Drawing no	Revision
202	(L) 10	



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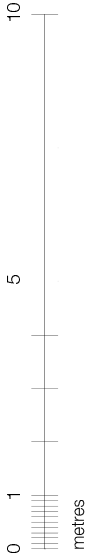


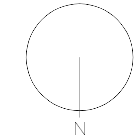
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E e.zabeth@elizabethbremnerarchitecture.co.uk
T +44(0)7602 891 868

Project Two proposed houses on vacant land 50 metres North East of North Loogie, Durnkeld PH8 0AZ
Title First floor plan

Scale	Date	Status
1:100 @ A3	April 2021	Planning Application
Project no	Drawing no	Revision
202	(L) 11	

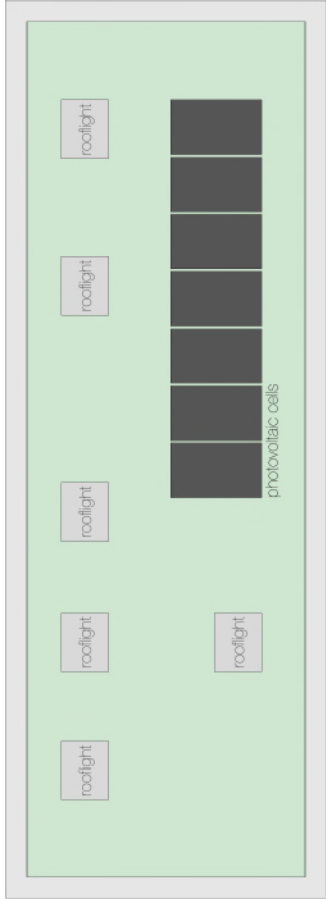




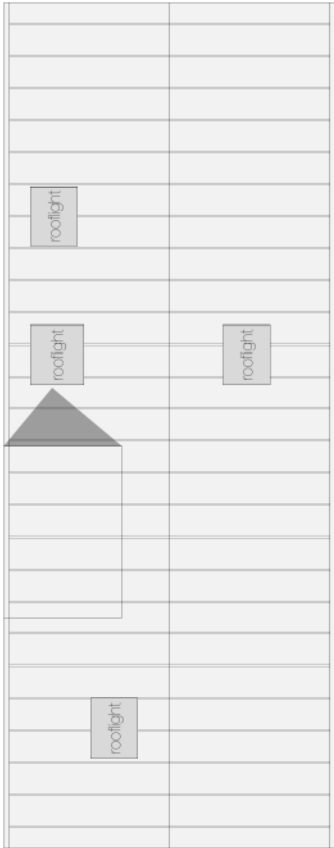
1. Do not scale dimensions from this drawing.
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Materials

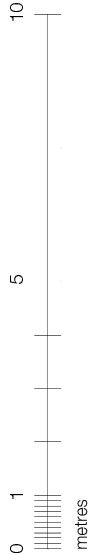
Pitched roof - Zinc sheet with standing seams
Flat roof - Sedum roof on single ply membrane with zinc parapet cap



House 1



House 2



Elizabeth Bremner Architecture

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E elizabeth@elizabethbremnerarchitecture.co.uk
T +44(0)7602 891 868

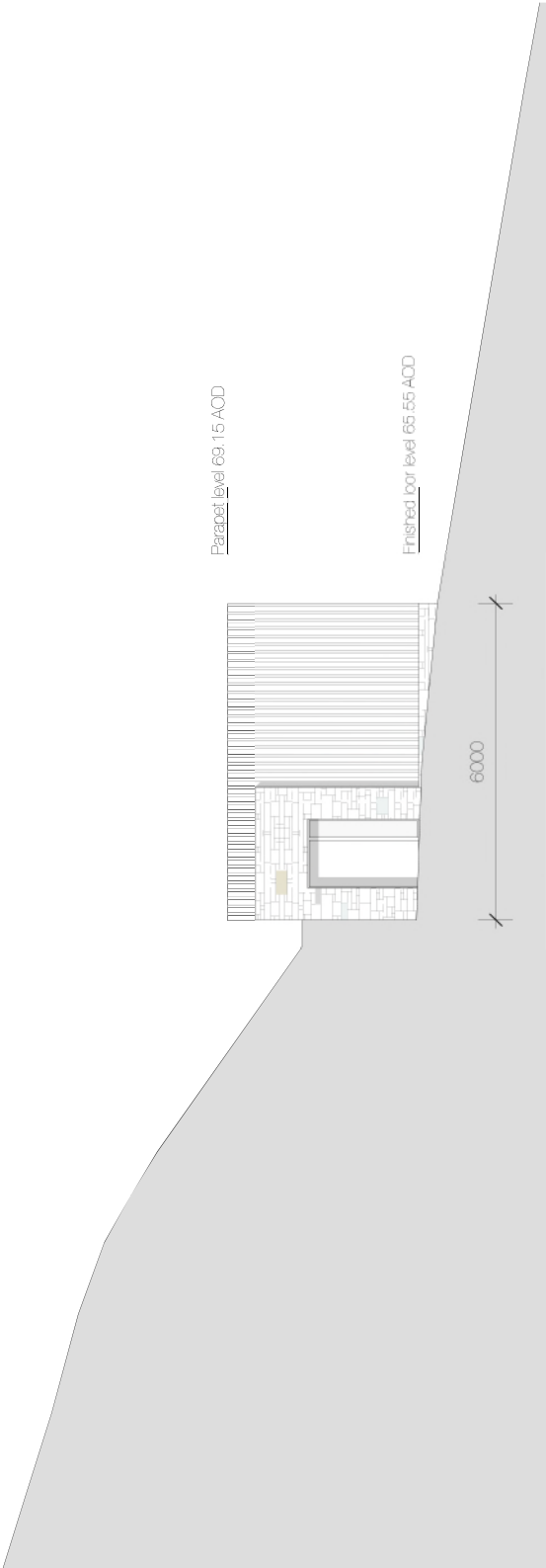
Project Two proposed houses on vacant land 50 metres North East of North Loodge, Dunkeld PH8 0AZ
Title Roof plan

Scale	Date	Status
1:100 @ A3	April 2021	Planning Application
Project no	Drawing no	Revision
202	(L) 12	

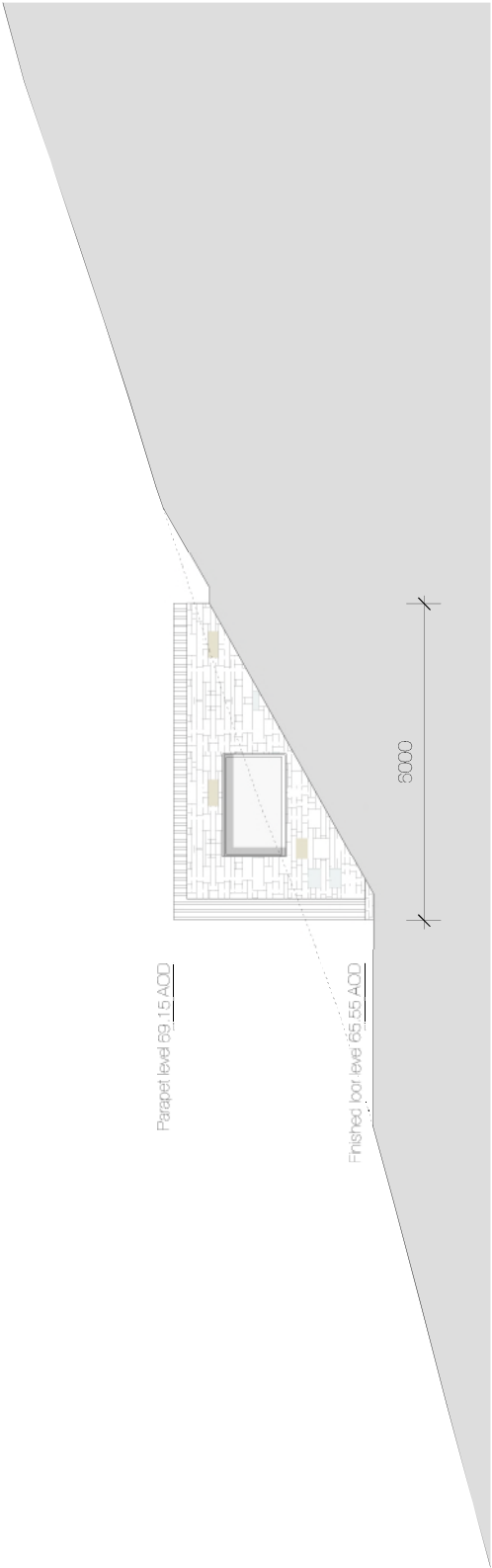
- 1. Do not scale dimensions from this drawing.
- 2. All dimensions are to be verified and checked on site by the Main Contractor before any work is put in hand.
- 3. All discrepancies are to be reported to the architect immediately.
- 4. This drawing is to be read in conjunction with consultants and Specialists drawings, specifications and schedules.

Materials

- Walls - stone and vertical Larch cladding
- Windows - triple glazed aluminium clad timber framed
- Doors - timber



House 1 - North Elevation



House 1 - South Elevation

Elizabeth Bremner Architecture

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T +44(0)7602 891 868

Project Two proposed houses on vacant land 50 metres North East of North Lodge, Dunkeld PH8 0AZ
Title House 1 - North and South Elevations

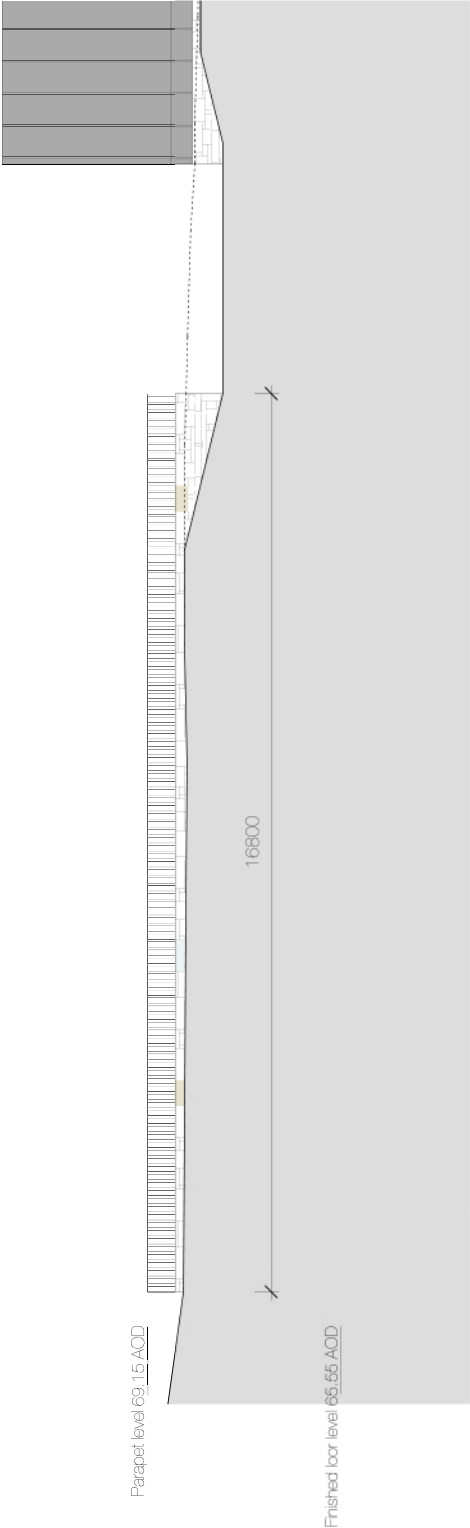
Scale	Date	Status
1:100 @ A3	April 2021	Planning Application
Project no	Drawing no	Revision
202	(L) 13	



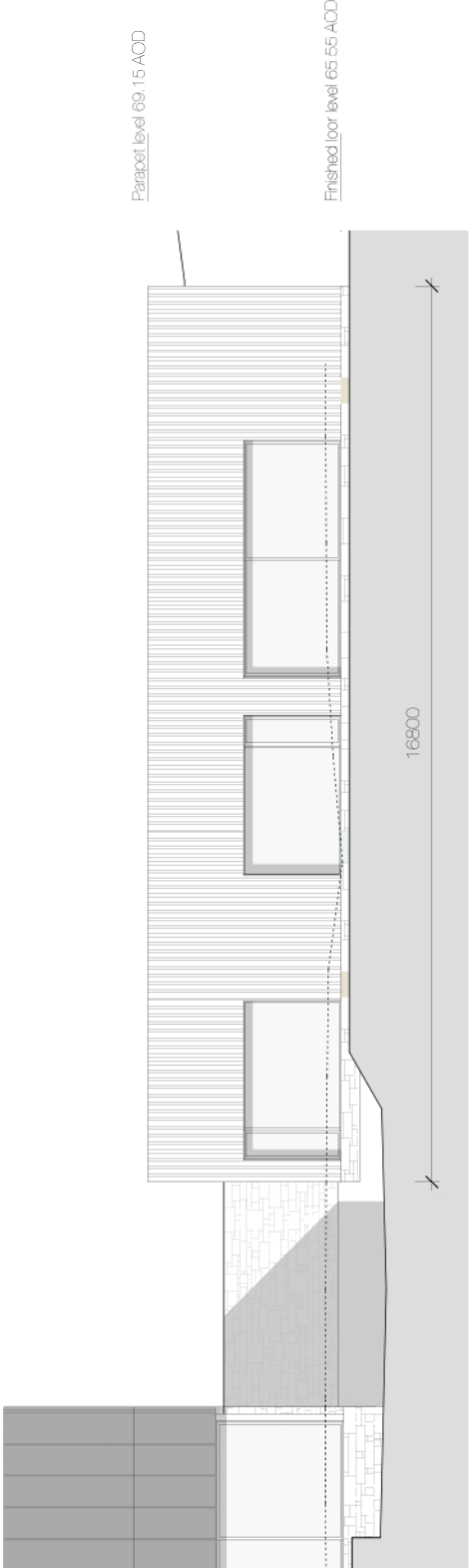
- 1. Do not scale dimensions from this drawing.
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Materials

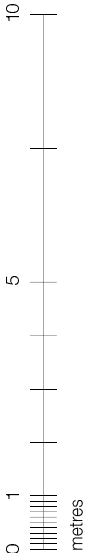
- Walls - stone and vertical Larch cladding
- Windows - triple glazed aluminium clad timber framed
- Doors - timber



House 1 - East Elevation



House 1 - West Elevation



Elizabeth Bremner Architecture
2A Southfield Road East Edinburgh EH11 5 1QW
E e.bremner@elizabethbrennerarchitecture.co.uk
T +44(0)7602 891 868

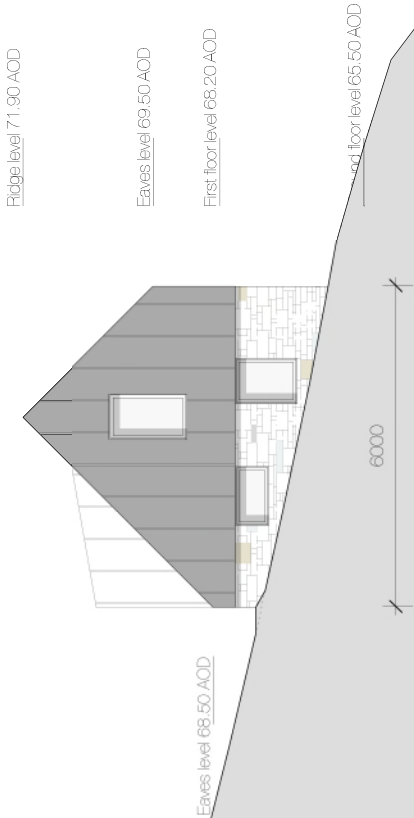
Project Two proposed houses on vacant land 50 metres North East of North Loogie, Dunkeld PH8 0AZ
Title House 1 - East and West Elevations

Scale	Date	Status
1:100 @ A3	April 2021	Planning Application
Project no	Drawing no	Revision
202	(L) 14	

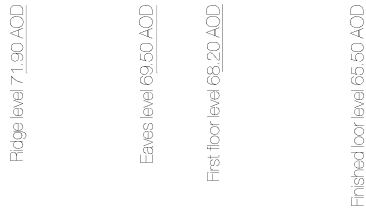
- 1. Do not scale dimensions from this drawing.
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Materials

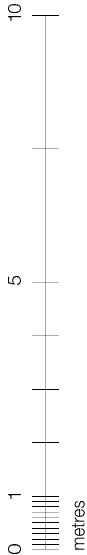
- Walls - stone and zinc sheet with standing seams
- Windows - triple glazed aluminium clad timber framed
- Doors - timber



House 2 - North Elevation



House 2 - South Elevation



Elizabeth Bremner Architecture
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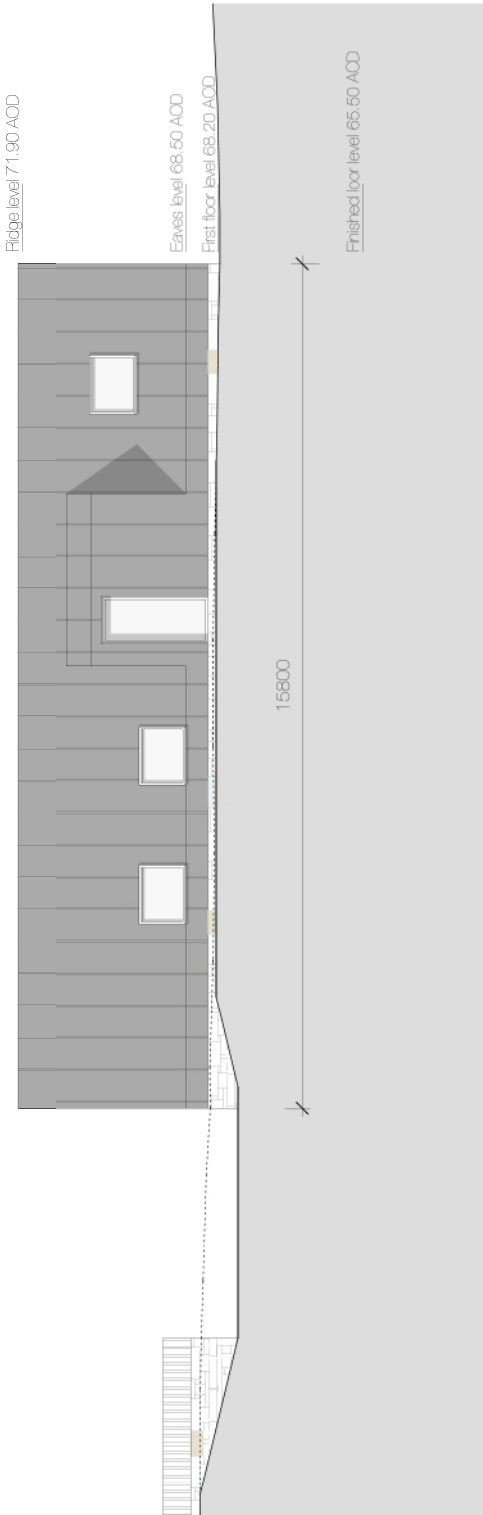
Project Two proposed houses on vacant land 50 metres North East of North Lodge, Dunkeld PH8 0AZ
Title House 2 - North and South Elevations

Scale	Date	Status
1:100 @ A3	April 2021	Planning Application
Projectno	Drawingno	Revision
202	(L) 15	

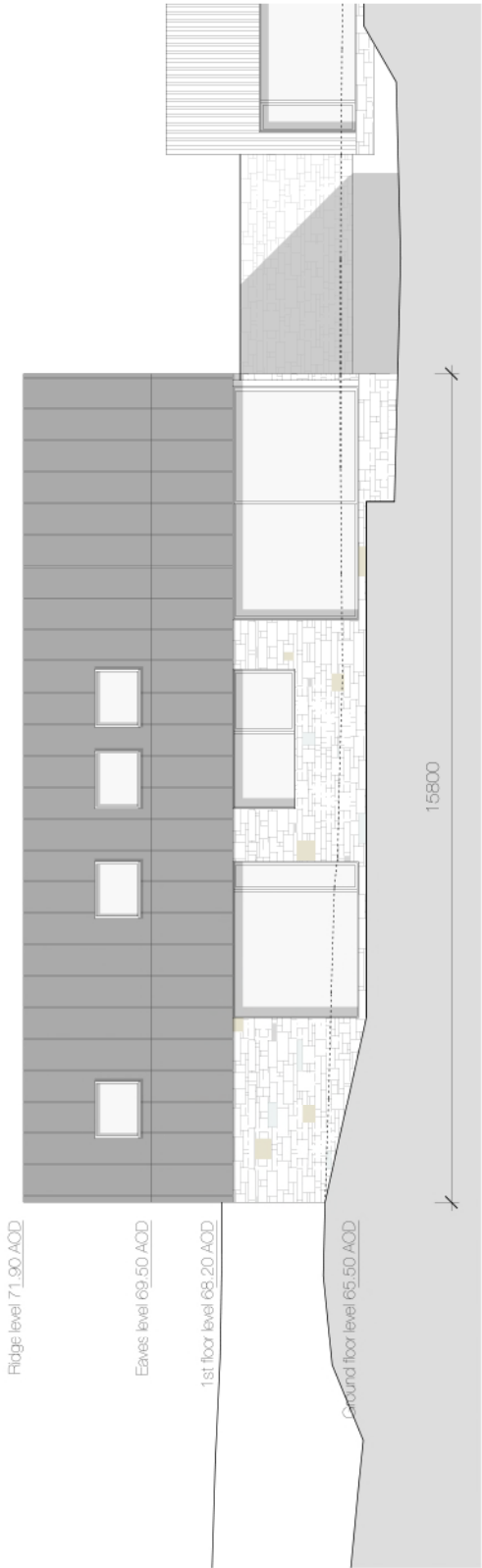
- 1. Do not scale dimensions from this drawing.
- 2. All dimensions are to be verified and checked on site by the Main Contractor before any work is put in hand.
- 3. All discrepancies are to be reported to the architect immediately.
- 4. This drawing is to be read in conjunction with consultants and Specialists drawings, specifications and schedules.

Materials

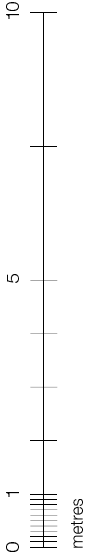
- Walls - stone and zinc sheet with standing seams
- Windows - triple glazed aluminium clad timber framed
- Doors - timber



House 2 - East Elevation



House 2 - West Elevation



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Project Two proposed houses on vacant land 50 metres North East of North Lodge, Dunkeld PH8 0AZ
Title House 2 - East and West Elevations

Scale	Date	Status
1:100 @ A3	April 2021	Planning Application
Project no	Drawing no	Revision
202	(L) 16	

LRB-2021-33 - 21/00736/FLL - Erection of 2 dwellinghouses, land 90 metres north east of North Lodge, Dunkeld

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 72-82)*



Eric and Jane Bremner
c/o Elizabeth Bremner Architecture
Elizabeth Bremner
2A Southfield Road East
Edinburgh
EH15 1QW

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **7th July 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/00736/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 5th May 2021 for Planning Permission for **Erection of 2 dwellinghouses Land 90 Metres North East Of North Lodge Dunkeld**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to criterion within Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) as the development fails to respect the character and amenity of the area and has an adverse impact due to an inappropriate siting of the development.
2. The proposal is contrary to criterion (a) of Policy 1B of the Perth and Kinross Local Development Plan 2 (2019) as the development erodes the coherent structure of streets, spaces and buildings of this area of Dunkeld.
3. The proposal is contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) as the development will not retain this area of open space therefore the amenity value of the space will be eroded. Furthermore, the proposal does not improve the character and environment of the village of Dunkeld, see criterion (c).
4. The proposal is contrary to Policy 28A: Conservation Areas: New Development of the Local Development Plan 2 (2019) as the siting of the building and the extent of cut and fill at this sloping site will have an adverse impact on the special qualities, its appearance, character and setting of the Dunkeld Conservation Area. It also fails to take cognisance of the amenity value of the site and the importance the site makes in key views within Dunkeld as detailed in the Dunkeld Conservation Area Appraisal.

5. No tree survey or tree constraints/root protection plan has been submitted to illustrates the developments relationship to the tree resource to the north. The application is contrary to policy 40A and 40B: Forestry, Woodland and Trees of the Perth and Kinross Local Development Plan 2 (2019).
6. The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements of the Perth and Kinross Local Development Plan 2 (2019) as it fails to illustrate a layout that can achieve a suitable level of parking (two spaces per dwelling) along with turning facilities within the site to ensure vehicles can enter and exit in a forward gear. As a consequence, vehicles will need to be reverse onto private access/core path to the detriment of vehicle and pedestrian safety. Furthermore, the redline boundary of the site does not extend to or cover access to the public road.

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

Plan Reference

01
02
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REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/00736/FLL	
Ward No	P5- Strathtay	
Due Determination Date	4th July 2021	
Draft Report Date	25th June 2021	
Report Issued by	JHR	Date 07.07.2021

PROPOSAL: Erection of 2 dwellinghouses

LOCATION: Land 90 Metres North East Of North Lodge Dunkeld

SUMMARY:

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

DATE OF SITE VISIT: N/A - In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by mapping databases and streetview. This information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This application is for the erection of two contemporary dwellings on a steeply sloping site within the settlement of Dunkeld. The dwellings would be set into the hillside and a single shared access would be formed onto a private access/core path from Atholl Street. Parking would be located to the front and between the two proposed dwellings.

The site is within the National Scenic Area (River Tay), the Dunkeld Conservation Area, the Battle of Dunkeld Inventory Boundary with listed building to the south, south west.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: 20/00477/PREAPP – sensitivity of the site highlighted in the pre-app.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 6: Settlement Boundaries

Policy 17: Residential Areas

Policy 26B: Archaeology

Policy 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Policy 38A: National Designations

Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer contributions

Placemaking Guide

Dunkeld Conservation Area Appraisal

CONSULTATION RESPONSES

Scottish Water – No objection

Transport Planning – No objection received.

Development Contributions Officer – No objection.

NatureScot – No objection received.

Historic Environment Scotland – No objection. The proposed house is located within the Battle of Dunkeld Inventory Boundary, the potential impact on this should be considered, your council's archaeological advisers will be able to advise further on this.

Perth And Kinross Heritage Trust – No objection subject to conditional control.

Conservation Team - Object to the proposal.

Biodiversity/Tree Officer – No objection received.

Dunkeld And Birnam Community Council - note that there are a number of objections to this application and that these are, in the main, along technical grounds, in which the Community Council do not have sufficient expertise to comment. The members of the community council had a variety of views about the proposal, some concerns were expressed about the impact on the Dunkeld (River Tay) National Scenic Area, however others felt that the location of the proposed houses was such that, although it would diminish some of the private open space, it would not have a significant adverse impact on the special qualities of the Dunkeld Conservation Area. The Community Council had also been discussing the issues around affordable housing at the meeting and noted that the two proposed homes are relatively modest in size. While it is our understanding that based on current proposals they will not qualify as 'affordable', the Community Council recognised that they would satisfy a clear need for smaller scale housing in the community.

REPRESENTATIONS

The following points were raised in the 13 representation(s) received:

- Adverse Effect on Visual Amenity, Out of Character with the Area, impact on conservation area, inappropriate materials, impact on national scenic area.
- Contrary to Development Plan Policy
- Flooding Risk, impacts from surface water
- Inappropriate Land Use, impact on open space
- Overlooking, loss of privacy, light pollution

- Impacts on private road, pedestrian safety, road safety concerns, parking issues, traffic congestion
- Impacts on biodiversity have ecological surveys been undertaken
- Impact on mature trees.
- Impact on historic battlefield
- Land stability
- No refuse collection on private road

The above issues are addressed under the appraisal section of the report. The following matter is best addressed at this stage:-

Loss of a view – This is not a material planning consideration when it relates to a private view.

Disruption during construction - the concern regarding construction activity in the representations are noted however this will likely be a short-term change to the status quo. Given the scale of the works it is not considered that conditional control is required in this case. If issues did arise this could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990.

Concerns with neighbour notification located within 50 metres - This has been reviewed and the neighbour notification exercise has been carried out in accordance with the procedures set by the Scottish Government. For clarity the neighbour notification buffer is 20 metres not 50m metres.

No site notices erected – due to the ongoing Covid Pandemic site notices are no longer being posted within the vicinity of the site. Instead, e-notices are being placed.

Landownership/access rights –any legal rights of access over the site and landownership are a private/civil matter. However, it is noted that the redline boundary of the site does not extend to or cover access to the public road. This is required as set out in the Head of planning Scotland validation and determination guidance.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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

This site is located within the settlement boundary of Dunkeld where Policy 17 of the adopted Local Development Plan 2 applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs and c) proposals which will improve the character and environment of the area,

Policies P1A and P1B Placemaking are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

Policy 27A relates to Listed Buildings and their setting while Policy 28B relates to new development within Conservation Areas.

Policy 38A is applicable due to the National Scenic Designation.

Policy 40 A and 40 B seeks to protect trees and woodland while 41 requires biodiversity to be considered.

Policy 52 relates to flooding while Policy 53 B and 53 C relates to foul and SUDS drainage.

Policy 60 B seeks safe access, egress and appropriate car parking.

Conservation Area, Design, Layout and Landscape Considerations,

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The conservation area appraisal identifies views across the site towards Dunkeld as key views and the western slope and wooded ridges of the hillside leading up to Spoutwells as providing an attractive frame to the views eastward out from Atholl Street and the site itself as part of public/private open space within the conservation area. The appraisal also identifies 'The narrow Old Military and Spoutwell roads, climbing out of the town to the east and north-east respectively, are also bordered by mature woodland forming a sense of enclosure and inviting further exploration.'

Although the proposed dwellings would be set back into the hillside which would reduce their visual impact this would still entail a considerable change to the appearance of the site. A significant amount of works would be required to cut into the steep sloping site and a suitable engineering solution deployed ensure slope stability (something that

would be looked at in greater detail at the building warrant stage). Due to the topography of the site the majority of hard landscaping and domestic garden paraphernalia would also be located close to the road frontage increasing the visual impact. To resolve the issues covered under the Roads and Access Heading with regards to vehicular turning and parking the visual impact at the site frontage would be exacerbated.

Overall, the proposed development would have an adverse impact on the character and appearance of the conservation area through the introduction of development into an important green space which contributes positively to the character and appearance of the conservation area, including views both into and out of the conservation area. This would result in a conflict with Policy 28A: Conservation Areas: New Development, placemaking policies 1A and 1B and Policy 17: Residential Areas.

Archaeology

The proposed development site is archaeologically sensitive as it is sited within the Battle of Dunkeld. This battle followed on from the Battle of Killiecrankie. On the 27 July 1689, the victorious Jacobite force began its march south towards Edinburgh. At Dunkeld the Jacobites encountered the Government Army consisting of the Cameronian regiment led by Lt Col Cleland. Over four hours of hand-to-hand combat ensued in the streets of Dunkeld and despite the Cameronians being outnumbered by 3:1, Dunkeld was held and the Jacobite army dispersed. The Jacobite rebellion continued for a year or so following this battle but was crushed by the summer of 1690.

Historic map regression at the location suggests that this site has likely not been altered considerably since the time of the battle, therefore there is potential for archaeological remains associated with the event to survive. In addition, recently a geophysical survey carried out by the University of Aberdeen in 2020, identified the western extent of the Medieval Burgh surrounding the cathedral of Dunkeld. This showed the layout of individual houses, streets and avenues within the town. Although this is located 280m SW of the development plot it shows potential for remains to survive on undeveloped land in the area.

As an urban battle that resulted in the old town being burnt to the ground its likely evidence survives in undeveloped areas across Dunkeld. The development site appears to lie out with the main core of the old town itself, and subsequently the battle activity but given the fact it's not been more recently developed in the 19th and 20th centuries and is within the Battle Inventory boundary there is a chance for archaeological remains to be identified. Given the nature of battlefield archaeology it may be an archaeological watching brief on ground-breaking works alongside metal detecting the excavation in spits may be an appropriate mitigation. The final details of this should be agreed with PKHT prior to all site works in a WSI. Should anything pertaining to the Battle of Dunkeld or indeed the old town be identified during the works it can then be appropriately recorded.

On this basis PKHT offer no objection subject to the use of a negative suspensive condition to secure a programme of archaeological works. With conditional control applied this will comply with local development plan policy 26B: Archaeology.

Listed Buildings

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal is not considered to impact the neighbouring listed buildings due to intervening distances as well as the orientation of the principal elevations of the listed buildings. There is no conflict with Policy 27A Listed Buildings.

Residential Amenity

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwelling, those that live in the existing house. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly. In this case the proposal is not considered to impact on neighbouring property from overshadowing or loss of daylight.

Light will emanate from the proposed dwellings however this is not considered to result in significant light pollution which would warrant refusal of the application.

Due to the scale and orientation of the houses and location of windows the proposal will not result in any significant overlooking to neighbouring property or garden ground.

Most of the useable garden ground will be also be located at the front of the dwellings however this will not provide useable private amenity space due to the relationship between the shared drive and the private access/core path it fronts. The topography at the rear of the site provides little scope for private amenity use in its current form and given the arrangements to the front of the site this will likely add pressure to terrace the slope which will further impact the positive contribution this green space has on the character and appearance of the conservation area.

Roads and Access

The layout illustrates a shared driveway arrangement between the two proposed houses. However, it fails to illustrate a layout that can achieve a suitable level of parking (two spaces per dwelling) along with turning facilities within the site to ensure vehicles can enter and exit in a forward gear. The proposed layout will result in vehicles reversing onto private access/core path to the detriment of vehicle and pedestrian safety contrary to Policy 60B: Transport Standards and Accessibility Requirements.

In addition, the redline boundary of the site does not extend to or illustrate access arrangements to the public road.

The representations highlight that refuse collection is not undertaken on the private road. A refuse strategy for the site could be sought by condition.

Drainage and Flooding

The site is not in an area subject to river flooding.

Disposal of foul flows can be dealt with by conditional control to comply with Policy 53B.

There are concerns in the representations regarding flooding at lower levels of Dunkeld. While the agent has highlighted in their design statement that there is an intention to minimise hardstanding, surface water run-off and deploy a sedum roof it has not illustrated compliance with policy 53C. Given the topography of the site which is a significant site constraint there is uncertainty that standard SUDS can be deployed. On this basis the proposal is not considered to comply with policy 53: sustainable urban drainage.

Natural Heritage and Biodiversity

The agent suggests that the trees on the ridgeline are unlikely to be affected by the development. Given the distances to the site frontage where development occurs the erection of a fixed barrier/site fencing at an appropriate offset from the trees would ensure the protection of this tree resource.

There are also trees to the north of the site. Given the proximity of dwelling 2 there will likely be an impact on the root protection area. Given the sensitivity of the site it is not considered prudent to utilise conditional control as suggested by the agent, a tree survey should have been submitted to enable assessment against policies 40A and 40B: Forestry, Woodland and Trees. The need for this survey was highlighted in the pre-application response.

Representations highlight that the site is utilised by wildlife and no ecological surveys have been provided. If the tree resource is affected and trees require to be felled then their removal would also have to be supported by bio-diversity surveys.

Developer Contributions

The above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Royal School of Dunkeld Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is refused on the grounds identified below:

Reasons

- 1 The proposal is contrary to criterion within Policy 1A of the Perth and Kinross Local Development Plan 2 (2019) as the development fails to respect the character and amenity of the area and has an adverse impact due to an inappropriate siting of the development.
- 2 The proposal is contrary to criterion (a) of Policy 1B of the Perth and Kinross Local Development Plan 2 (2019) as the development erodes the coherent structure of streets, spaces and buildings of this area of Dunkeld.
- 3 The proposal is contrary to Policy 17: Residential Areas of the Perth and Kinross Local Development Plan 2 (2019) as the development will not retain this area of open space therefore the amenity value of the space will be eroded. Furthermore, the proposal does not improve the character and environment of the village of Dunkeld, see criterion (c).
- 4 The proposal is contrary to Policy 28A: Conservation Areas: New Development of the Local Development Plan 2 (2019) as the siting of the building and the extent of cut and fill at this sloping site will have an adverse impact on the special qualities, its appearance, character and setting of the Dunkeld Conservation Area. It also fails to take cognisance of the amenity value of the site and the importance the site makes in key views within Dunkeld as detailed in the Dunkeld Conservation Area Appraisal.
- 5 No tree survey or tree constraints/root protection plan has been submitted to illustrates the developments relationship to the tree resource to the north. The application is contrary to policy 40A and 40B: Forestry, Woodland and Trees of the Perth and Kinross Local Development Plan 2 (2019).

- 6 The proposal is contrary to Policy 60B: Transport Standards and Accessibility Requirements of the Perth and Kinross Local Development Plan 2 (2019) as it fails to illustrate a layout that can achieve a suitable level of parking (two spaces per dwelling) along with turning facilities within the site to ensure vehicles can enter and exit in a forward gear. As a consequence, vehicles will need to be reverse onto private access/core path to the detriment of vehicle and pedestrian safety. Furthermore, the redline boundary of the site does not extend to or cover access to the public road.

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

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Proposed application for the erection of two dwellinghouses & associate works on land 50 metres north east of North Lodge (Craigview), Dunkeld



Design Statement - 202
April 2021

Background information

This design statement accompanies the proposal to erect two modest, energy efficient dwelling houses on land 50 metres north east of North Lodge (Craigview), Dunkeld PH8 0AZ. The proposal has been developed by Elizabeth Bremner Architecture for Eric and Jane Bremner, the current owners of the plot.

Development history

There is no development history for the plot.

There is development history for North Lodge (Craigview) upon which and to which the development plot is attached.

09/00287/LBC & 09/00460/FLL Demolition of existing conservatory and alterations and extension to house – approved.

11/02031/FLL & 12/00043/LBC Demolition of existing timber outbuilding and erection of stables – approved.

12/01377/FLL Alteration and extension to dwellinghouse – approved.

12/00141/FLL & 12/00142/LBC Erection of a porch – approved.

Historic Maps

John Wood's town plan dated 1823 shows a building on the site of North Lodge (Craigview) labelled Gardeners House. 1st OS map published 1867 shows North Lodge (Craigview), Spoutwells House and other buildings at Spoutwells. The aerial photograph of Dunkeld 2020 shows a significant amount of additional buildings at Spoutwells, 13 houses (c.1980) adjacent to the plot and a further ribbon development comprising 8 houses (c.1980) on the opposite side of the A923.



Aerial photograph 2020



John Wood's Town Plan of Dunkeld, dated 1823



1st OS map, published 1867



2nd OS map, published 1901



OS map, published 1948

Site and context appraisal

Site description

The plot lies within Dunkeld Conservation Area and within River Tay (Dunkeld) National Scenic Area (NSA). Dunkeld & Birnam has been identified as a Tier 3 Principal Settlement in the TAYplan.

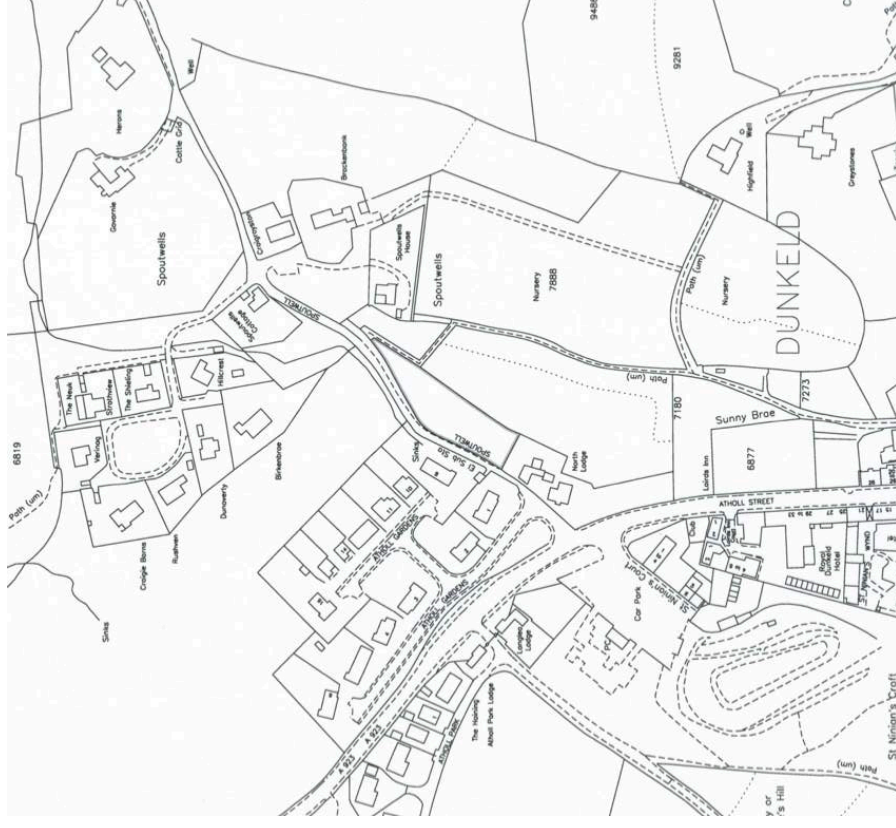
The plot is bordered to the north west by a private single track road (Spoutwell) leading from Atholl Street to Spoutwells. It is bounded to the north and partly to the south east by a public footpath. The remainder of the south eastern edges of the plot bounds with North Lodge (Craigview). The south west boundary is adjacent to a young orchard, part of North Lodge policies. The plot is rough grass with one single Horse chestnut at the north east corner of the plot and trees lining the ridge at the eastern site boundary.

The site slopes from east to west, ground levels rising from 61.2 metres AOD at the south west corner to 85 metres AOD along the eastern boundary. The plot comprises two distinct areas; the north west area (1490 sqm) has a relatively gently slope on which it is proposed to site the dwellings, the south east area (1770 sqm) is comparatively steeply sloping additional garden ground; part of Sunny Brae.

Surrounding buildings:

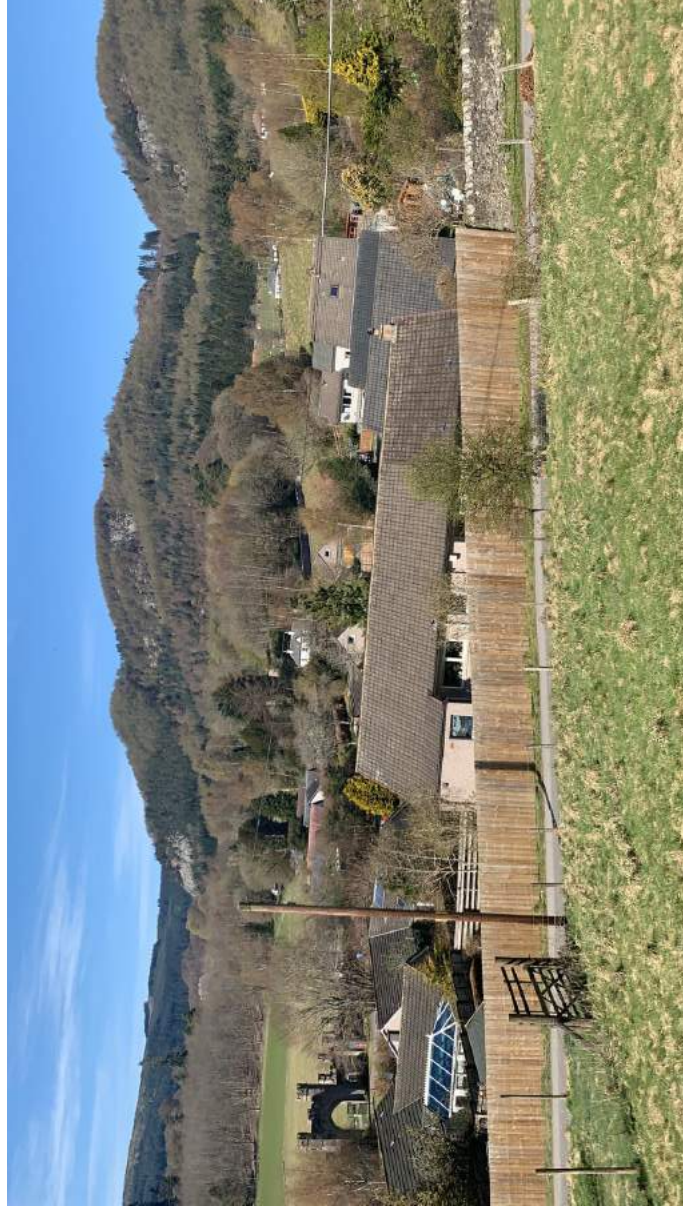
The houses on the west side of Spoutwell road (accessed via Atholl Crescent) are single storey, storey and a half and two storey detached dwellings built circa. 1980. Their plot sizes vary between 520 sqm and 1250 sqm, averaging 870 sqm. Their walls are predominantly drydash and smooth render with facing brick details. The roof pitches vary from 22.5° to 45° and are all finished with concrete tiles. The closest house is 13 Atholl Gardens which is approximately 15 metres from the plot. North Lodge (Craigview) which sits to the south west is a grade B listed building; late 18th Century (remodelled C1840) 3 storey house, harled with timber dormer heads, slated roofs, overhanging eaves, piend roofed porch with a lean-to back wing rebuilt c. 2009. Between the plot and the listed building North Lodge (Craigview), a distance of over 51 metres, there are three outbuildings comprising biomass boiler house (stone walls, slated pitched roof), large shed (flat roof, timber clad walls), double garage (flat roof, rendered walls) and a young orchard.

The plot is 50 metres from North Lodge (Craigview). No. 1 Atholl Gardens is 28 metres from North Lodge (Craigview).



Site History:

The policies owned by the applicants were formerly part of The Atholl Estate. North Lodge (Craigview) was built for the head gardener and it was known as Gardener's Cottage. North Lodge (Craigview) and Sunny Brae were sold by the estate. In the early 1970s an almost derelict North Lodge (Craigview) including the application plot was purchased by Sir Robert & Lady Smith who carried out a major renovation of the house and garden. In the mid 1980s Sir Robert & Lady Smith sold the house and garden to the Colville family but retained the orchard and application plot for use as a paddock. Not long after the orchard was sold to the Colville Family. Circa 2005, the Colville family sold the North Lodge (Craigview) policies to David and Lorna Levy at which time Sir Robert & Lady Smith offered the plot for sale to Mr and Mrs Levy with a 10 year development clawback agreement. In January 2019 the applicants, Eric and Jane Bremner purchased the policies from Mr and Mrs Levy. They have welcomed the stewardship of the listed property and have recently submitted an application for listed building consent to restore the walls of North Lodge (Craigview) to the original harled colour.



Vistas and views:

There is no poor view from the plot but the views and vistas from the north west around to the south are stunning. The plot is secluded and views to it are only glimpsed from the surrounding area with the exception of the path on the ridge. It is hoped to build the houses into the hillside so their impact from higher level will be limited and the extent of groundworks is minimised. NB. The outbuilding next to and North Lodge (Craigview) sit into the hillside to a depth of 3.7 metres. Our proposal is to sit into the hillside to a depth 2.2 metres. The principal views are to The Gatehouse, Dunkeld House Hotel and the stunning views of Craig a Barns and the foreground landscape.

Environmental Considerations

The local climate

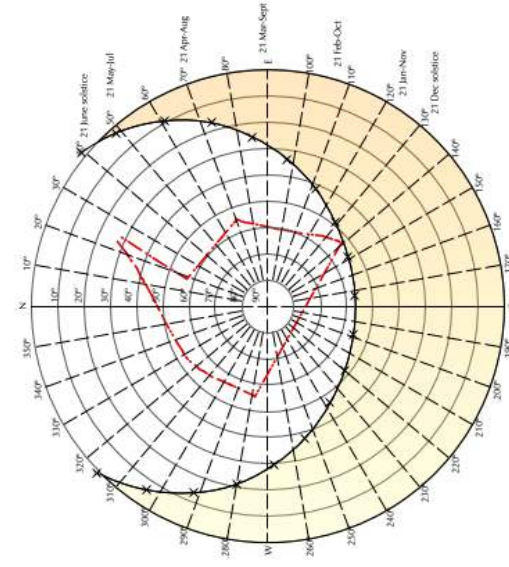
The average temperature in Dunkeld usually varies between -2° C in winter and 18° C in summer.

The average wind speed expected throughout the year is between 9 and 22 km/h with maximum recorded speeds during any month of 37 km/h. The dominant wind direction is from the south-west. However, the microclimate differs in that the site lies within a glen.

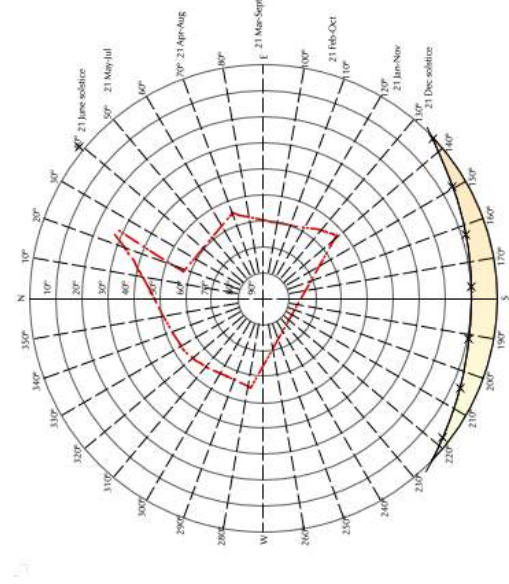
From January 2009 to November 2018 the average amounts of precipitation varied between 5 - 25 mm per month. From December 2018 to June 2000 the average amounts of precipitation varied between 32 - 140 mm per month.

Climate Change

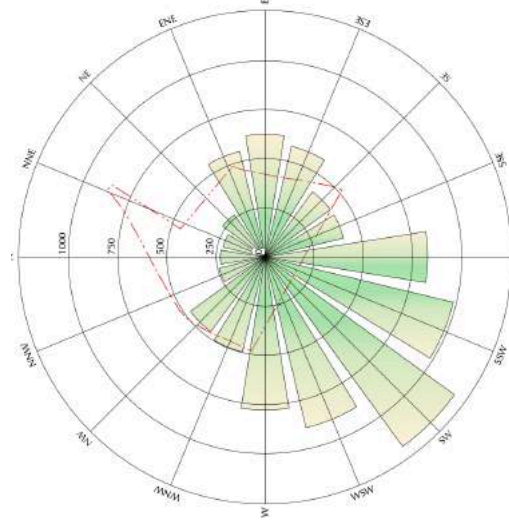
The implications of climate change are not fully understood and cannot be accurately predicted. However, the knowledge we have currently will influence the design of the new houses.



Summer Solstice



Winter Solstice



Wind Rose

Services

There is a mains water supply, a public drainage system and mains electricity (low voltage) in the vicinity of the site.

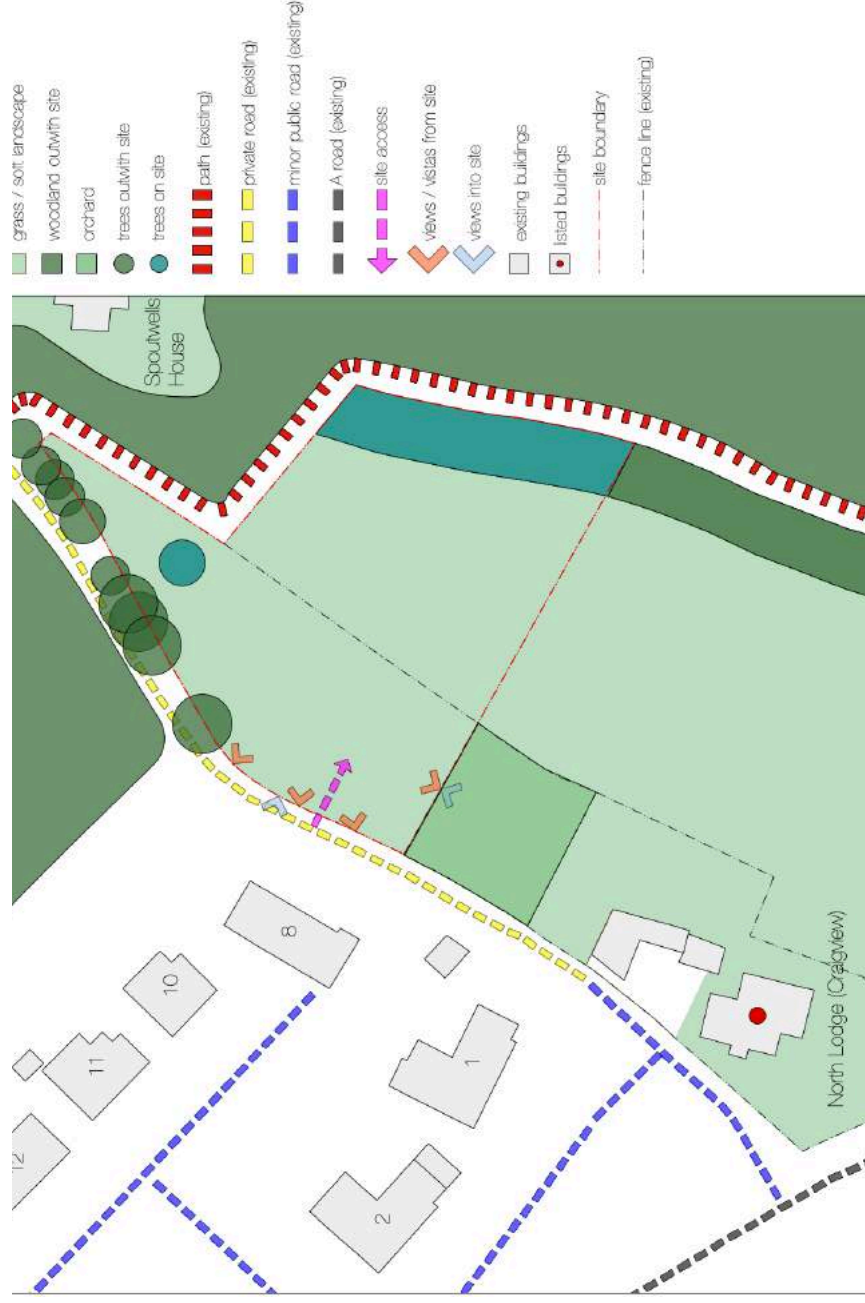
The private access to the plot will be via the private single track road called Spoutwell. It is proposed to create a turning area and communal car parking on site for 2 vehicles, thus ensuring accessibility to the houses. We are consciously limiting the carparking; following government guidelines to reduce car use for critical environmental reasons (the site is well served with alternative methods of transport) and ensuring the area of hardstanding on the plot is kept to a workable minimum. Visitors and residents should be encouraged to use public transport. All in compliance with PAN75.

The A9 and the Perth-Inverness rail route pass directly adjacent to the town. There is a bus stop in Atholl Street North Carpark, 2 minutes walk from the site. Dunkeld & Birnam Train Station is a 18 minute walk from the plot. Travel time by train to Perth, Dundee, Glasgow and Edinburgh takes under 2 hours.

The journey time to The Royal School of Dunkeld primary, is 11 minutes. The primary school capacity is 217, the current roll is 159. Dunkeld is in the catchment area of two secondary schools. Breadalbane Academy in Aberfeldy, a 45 minute bus journey from Dunkeld. Perth Grammar, is a 30 minutes by bus or 20 minutes by train.

Dunkeld is a centre for access to the countryside on land and water, and forms the core of an extensive path network.

There is a good mix of shopping and commercial premises within Dunkeld. Community facilities are accommodated in several premises within the town and there are additional community facilities in Little Dunkeld and Birnam.



Site Analysis Diagram

Identification of the design principles

The relevant policies of the TAYplan

Policy 1A : Locational Priorities
Policy 4: Homes
Policy 6: Developer Contributions
Policy 8: Green Networks

The relevant policies of the Perth and Kinross Local Development Plan 2019 (Adopted)

LDP Policy 1A, 1B and 1D - Placemaking
LDP Policy 2 - Design Statements
LDP Policy 5 - Infrastructure Contributions
LDP Policy 6 - Settlement boundary
LDP Policy 17 - Residential Areas
LDP Policy 28 - Conservation Areas
LDP Policy 30 - Protection, Promotion and Interpretation of Historic Battlefields
LDP Policy 32 - Embedded Low and Zero Carbon Generating Technology in New Development
LDP Policy 38B - Environment and Conservation: National Designations
LDP Policy 40 - Forestry, Woodland and Trees
LDP Policy 41 - Biodiversity
LDP Policy 42 - Green Infrastructure
LDP Policy 52 - New Development and Flooding
LDP Policy 53 - Water, Environment and Drainage
LDP Policy 60 - Transport Standards and Accessibility Requirements: New Development Proposals

Other policies and guidance

The Dunkeld Conservation Area Appraisal
Planning Advice Notes 72, 75
Placemaking Guide, adopted March 2020
SNH The Special Qualities of the River Tay (Dunkeld) National Scenic Area, Report no. 374
Historic Environment Scotland Inventory of Historic Battlefields, The battle of Dunkeld 1689
The Green and Blue Infrastructure Supplementary Guidance March 2020

TAYplan Strategic Development Plan (2016-36) Approved October 2017

Policy 1A: Locational Priorities

Dunkeld and Birnam has been identified as Tier 3 in the Principal Settlement Hierarchy which will accommodate a small share of the regions additional development.

The TAYplan Strategic Development Plan requires that:

“Local Development Plans will identify appropriate effective land that is capable of delivering this sustainable pattern of development in the plan period, whilst also considering the requirements of other policies in this plan. This will provide for a mix of development, infrastructure and green space on a range of sites. Development on land within principal settlements, particularly brownfield land*, is preferable to development elsewhere.”

TAYplan Strategic Development Planning Authority, 2017. *TAYplan Strategic Development Plan*. Dundee: TAYplan Strategic Development Planning Authority, p.11.

Policy 4: Homes

In line with policy 1A the only Tiered settlements in Highland Perthshire, Pitlochry, Aberfeldy and Dunkeld/Birnam are expected to accommodate the majority of the additional annual housing requirements; the housing supply target of 72. Using statistic from the 2011 Census, the combined population of Pitlochry (2780), Aberfeldy (1990) and Dunkeld / Birnam (1290) was 6060. Extrapolating from these figures, Dunkeld/Birnam should be expected to accommodate 21% of the housing supply target of 72 units every year. This equates to 15 new homes per year commencing 2016. Having searched through the planning applications for Dunkeld/Birnam from 2016, there have been three planning applications approved providing a total of nine flats and one house over a period of five years. In conclusion Birnam has provided less than one house per year, Dunkeld has provided none. This falls woefully short of the annual target of 15.

Whilst it can be accepted that the opportunities for new houses within a Conservation Area will always be limited, the onus should be to allocate sites which have little impact on the Dunkeld Conservation Area as identified in this instance.

Policy 6: Developer Contributions

This will be covered under LDP Policy 5

Policy 8: Green Networks

This will be covered under LDP Policy 5

Local Development Plan

Policy 1A, 1B and 1D - Placemaking

The two new houses will contribute positively to the quality of the surrounding built and natural environment. The houses will nestle low into the natural topography of the site. Good quality local materials will be used in their construction. The proposals are of a good design standard.

Having analysed the strengths, weaknesses, opportunities and threats referenced in Perth & Kinross Council's Placemaking Guide, adopted March 2020, we are confident that this proposal meets the criteria. The site is within a woodland setting, good potential vehicular access, established open space to the east of the area to be developed, good footpath connections (around the north and east of the site and beyond) and within walking distance of Dunkeld centre. The development is not adjacent to industrial units and it will not have a negative impact on local amenity space. The site is west facing with attractive views out into surrounding countryside. There are excellent recreational facilities including open space and footpaths in and around Dunkeld. The gently sloping site will help create an attractive design. There will be no loss of mature trees or habitat for endangered species. The topography of the area to be developed will not result in an expensive design. A small area of the plot (6%) will be developed with the remaining area remaining as private open space.

The houses will be planned and designed with reference to climate change, mitigation and adaptation.

The houses will incorporate a heat pump and photovoltaic panels set into the roofs.

The houses will incorporate fittings that have a low water usage: low flush toilets with a 4/2l dual flush; taps will be either fitted with flow regulators or be aerating taps; shower specified to have a low flow rate of 9 litres/minute or less.

The windows will be triple glazed.

The houses will also be designed to make use of passive design principles, employing active sustainable design. It will incorporate the following passive measures:

- Principal rooms will be orientated towards the west / south west.
- The main entrances are in a sheltered location.
- All of the rooms in the houses will be designed to provide high daylight factors, in order to reduce the use of artificial lighting.
- Detailing for airtightness is paramount to reducing energy consumption. Airtightness target values will be set at a level to significantly improve on the 10m3/m2.hr at 50Pa required by building regulations. The houses will be tested for airtightness at two key stages- after the installation of the airtightness membrane (before the internal finishes are started) and at completion.
- Overheating is to be avoided.
- High levels of insulation. Target U-values will be set for the homes that exceed the U-values set by current building regulations.

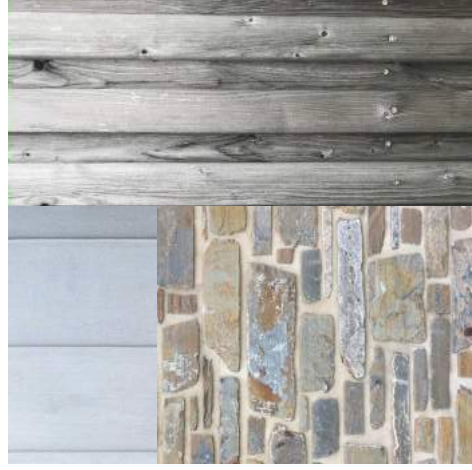
The design, and siting of the development respects the character and amenity of the place. The density of the adjacent housing ranges from approximately 520 sqm to 1250 sqm. The plot densities of these existing houses vary between 12% and 21%. Our total plot area is 3173 sqm with a plot density of 6%. The design will incorporate landscape and planting works appropriate to the local context and the scale and nature of the site and the development.

The new dwellings are 6 metres wide, House 1 is 16.8 m long and House 2 15.8 m long; respecting the vernacular building type. House 1 is single storey with a flat sedum roof. House 2 which is storey and a half has a 45° pitched roof. Designing with the topography makes it possible to accommodate a single storey dwelling and a storey and a half dwelling without one dominating the other and allowing both to sit down into the landscape whilst benefiting from the stunning vistas and solar aspect.

To minimise the area of hardstanding for parking and manoeuvring, it is to be communal and located as near to the entrance of the site as possible whilst ensuring accessibility. There will be space for bicycles to promote active travel.

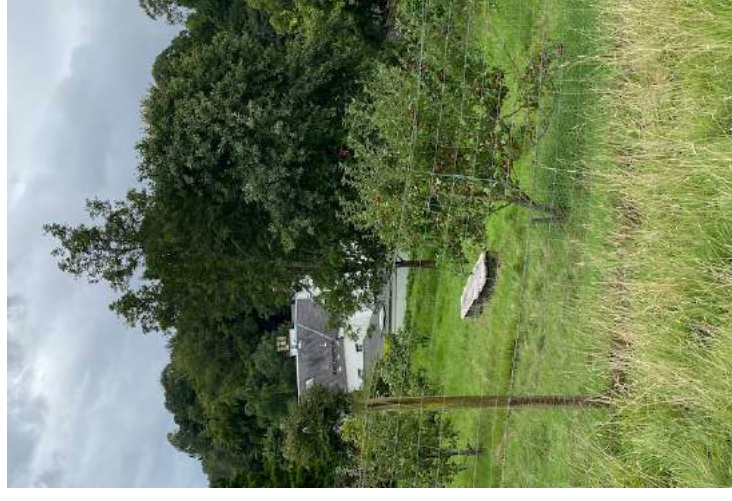
Residential Amenity

The closest neighbouring dwelling to the plot is no. 8 Atholl Gardens. There is a distance of over 24 metres between the north east corner of no. 8 and House 2. No. 8 is over 34 metres from House 1. The view towards this house can be seen on page 4. Therefore, there will be no overlooking issues, loss of privacy or loss of sunlight/daylight. House 1 will be more than 39 metres from the gable windows in North Lodge (Craigview); the windows are not directly opposite the proposed houses. The existing mature trees offer a good screen between the proposed houses and North Lodge (Craigview), the young trees in the orchard will offer more screening over time and a Beech hedge along the orchard boundary will offer further screening.



The House will incorporate the following material specification:

- Natural local stone
- Zinc roofing (blends well with slate and is a sustainable, recyclable and durable alternative to Scottish slate, no longer quarried)
- Timber elements (for low embodied energy)
- Insulation materials of low global warming potential, in line with Ecohomes and BRE Guidance
- Materials will be as locally sourced as possible.
- The use of recycled materials will be maximised
- Materials specified will avoid the use of high VOC content paints and sealants and all ozone depleting materials
- Windows will have low e triple glazing with metal clad timber frames to enhance performance and lower embodied energy.



North Lodge viewed from the plot

Waste and Recycling

The following provisions will be made for waste and recycling:

- Hard surfaced bin stance suitable for standing for general waste and recyclable waste.
- Storage for recycling bins within the kitchen will be provided.
- It is proposed during construction that waste will be minimised on site to ensure minimal adverse environmental impact. Where possible recycled materials will be used in the construction and construction waste will be recycled.

Policy 5 - Infrastructure Contributions

The local primary school, The Royal School of Dunkeld is currently operating at 73% capacity. This development has the potential to increase this figure to 76%. The primary school has been operating at under 80% for 7 out of the previous 7 years. As such this development is not expected to contribute financially towards primary education infrastructure.

The site lies outwith the defined boundary identified in Appendix 3 of the Developer Contributions & Affordable Housing Supplementary Guidance, July 2020 and therefore it is not expected that a Transport Infrastructure contribution will be levied.

Policy 6 - Settlement Boundary

The site lies within the Dunkeld settlement boundary.

Policy 17 - Residential Areas

The site is not allocated for any particular development type within the Local Development Plan and is marked as “white land”.

The proposals represent “(a) infill residential development at a density which represents the most efficient use of the site while respecting its environs...(b) The proposals will improve the character and environment of the area.

Policy 28 - Conservation Areas

Designation as a conservation area does not place a ban upon all new development within its boundaries.

However new development will normally only be granted planning permission if it can be demonstrated that it will not harm the character or visual quality of the area.

New development should also positively enhance the area through good design rather than just create a neutral effect.

Perth & Kinross Council, 2011. *Dunkeld conservation Area Appraisal*. Perth & Kinross Council, p.1.

We are determined that the development will preserve and enhance the character and appearance of the Dunkeld Conservation Area. The design, materials, scale and siting of the new houses are appropriate and sympathetic to its appearance, character and setting. The Conservation Area Appraisal has guided the form and design of the new development proposals. With regards to the designation of private open space in the Conservation Area Appraisal guidance document, we are comfortable that the siting of the new houses close to the road on the more gently sloping area of the site along with the very low plot density ratio of 6% will not significantly impact on the character of the private open space.

Policy 30 - Protection, Promotion and Interpretation of Historic Battlefields

The site lies within an area designated and recorded as the location of the Battle of Dunkeld 1689. We will be guided by the planning authority following their consultation with Historic Environment Scotland.

Policy 32 - Embedded Low and Zero Carbon Generating Technology in New Development

The houses will share a ground source heat pump/heating system and photovoltaic panels will be set into the roofs. A mechanical ventilation heat recovery system will be installed to significantly reduce the primary energy use and CO2 footprint. It is also hoped to harvest and use grey water. The houses will also be built to passivhaus standards whereby energy use will be close to zero.

Policy 38B - Environment and Conservation: National Designations

The proposed development will not adversely affect the integrity of the National Scenic Area or the qualities for which it has been designated. This small site is currently rough grassland adjacent to houses built circa 1980.

Policy 40 - Forestry, Woodland and Trees

The trees on the ridge will not be affected by the development, they are approximately 36 metres for the area to be developed. The single Hazelnut currently has a deer fence enclosing it and along with the trees adjacent to the road (but outwith the site) will be protected by barriers prior to the start of any development work. This may consist of Heras Fencing with panels joined together using a minimum of two anti-tamper couplings, and braced on the inside with stabiliser struts in accordance with Figure 3(a) of BS5837:2012. There will be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the Construction Exclusion Zone throughout the duration of the construction works. A tree survey can be carried out to fulfil a condition of the planning application.

Policy 41 - Biodiversity

It is anticipated that there will be no detrimental effect on biodiversity on or adjacent to the site. No trees are to be felled. The site is rough grass as is the surrounding area.

Policy 42 - Green Infrastructure

The development on this site will not interfere with the existing green spaces around the site as detailed in the map accompanying The Green and Blue Infrastructure Supplementary Guidance March 2020

Policy 52 - New Development and Flooding

The SEPA flood risk map indicates that there is no flood risk on or adjacent to the site and therefore there should be no flood related constraints on the development.

Policy 53C - Surface Water Drainage

The proposals will not increase the rate of surface water run-off from the site or adjoining areas. Hardstanding, which is to be kept to a minimum, will be porous and the expected minimal run-off from the hardstanding will be collected into a channel drain located at the junction between the driveway and the private road.

It is proposed to lay a sedum roof on House 1 which will greatly reduce the rainwater run-off.

Benefits of Sedum Roof

Initial studies in the UK show that planted roof surfaces will retain up to 100% rainfall where up to 3 mm falls, up to 80% between 3 mm and 23 mm and for one period where 41mm of rain fell over 47 hours, 73% of the water was retained.

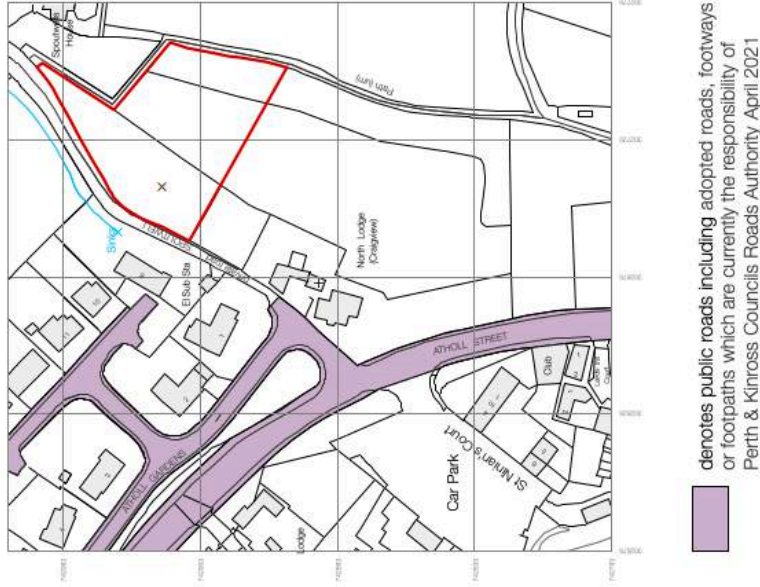
The sedum blanket can improve the thermal performance of the building.

It will also maintain the current air quality; photosynthesis. At the same time, plant leaves take in and 'lock up' air-bourne pollutants.



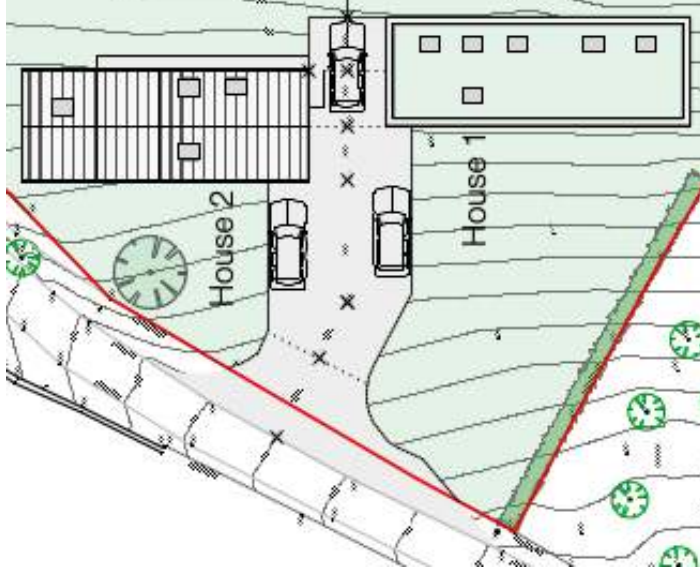
Policy 60B: - Transport Standards and Accessibility Requirements; New Development Proposals

Perth & Kinross Council List of Public Roads and Road Maintenance Map which includes adopted roads, footways or footpaths which are the responsibility of Perth & Kinross Councils Roads Authority, does not include the private single track road (Spoutwell) from which the site will be accessed.



It is proposed that the entrance to the site will incorporate an access bay and will provide sightlines commensurate with those required for a private single track road, all to achieve safe access and egress for the occupants and for other users of the private road.

It is proposed to create a turning area and communal car parking on site for 2 vehicles with adequate space for an accessible parking space adjacent to the entrance doors to both houses, thus ensuring accessibility to the houses. We are consciously limiting the carparking; following government and local authority guidelines to reduce car use for critical environmental reasons (the site is well served with alternative methods of transport) and ensuring the area of hardstanding on the plot is kept to a minimum. Visitors and residents should be encouraged to walk, cycle or use public transport.



The Brief

The clients have been approached by many friends and neighbours and co-workers of the Dunkeld and Birnam @ the Field Charity looking for a suitable home within Dunkeld and Birnam. Some are young couples looking to start a family, some are retiring and looking to move to a smaller house. The overriding desire of all is to remain within Dunkeld and Birnam. Some have been looking for such a home for many years. With this in mind the clients asked us to design two modest sized houses, complementary to the site, ensuring low visual impact and with minimum energy consumption. The houses were to be designed with full accessibility. The views from the new houses and their position within the topography of the plot are paramount to the applicants. The aspect of the new houses should also take cognisance of solar gain.

The client's brief requires the following basic accommodation:

House 1

- Single storey house
- An open plan living space incorporating kitchen, dining and sitting with views to Craig a Barns.
- Two bedrooms, equally sized; ideally with the same aspect aspects as the open plan space
- There should be one family bathroom
- Storage

House 2

- Storey and a half
- An open plan living space incorporating kitchen, dining and sitting with views to Craig a Barns.
- Three bedrooms, one at ground floor level and two in the roof space; ideally with the same aspect aspects as the open plan space
- Family bathroom at the upper level
- Shower room at ground floor level
- Storage

Design Principles

The design solution is site specific and responds to its setting.

It is proposed that the new houses are orientated in the same axis as the site contours and to capture the views to Craig a Barns. The houses will sit on the lower more gently sloping contours of the site. The houses will be set 9 metres from any boundary. The open plan spaces will have a southerly (as well as westerly aspect) to maximise solar gains. Along with high levels of airtightness and insulation and renewable energy sources (ground source heat pump, solar panels and a mechanical ventilation heat recovery system) will ensure that the dwellings have a low environmental impact.



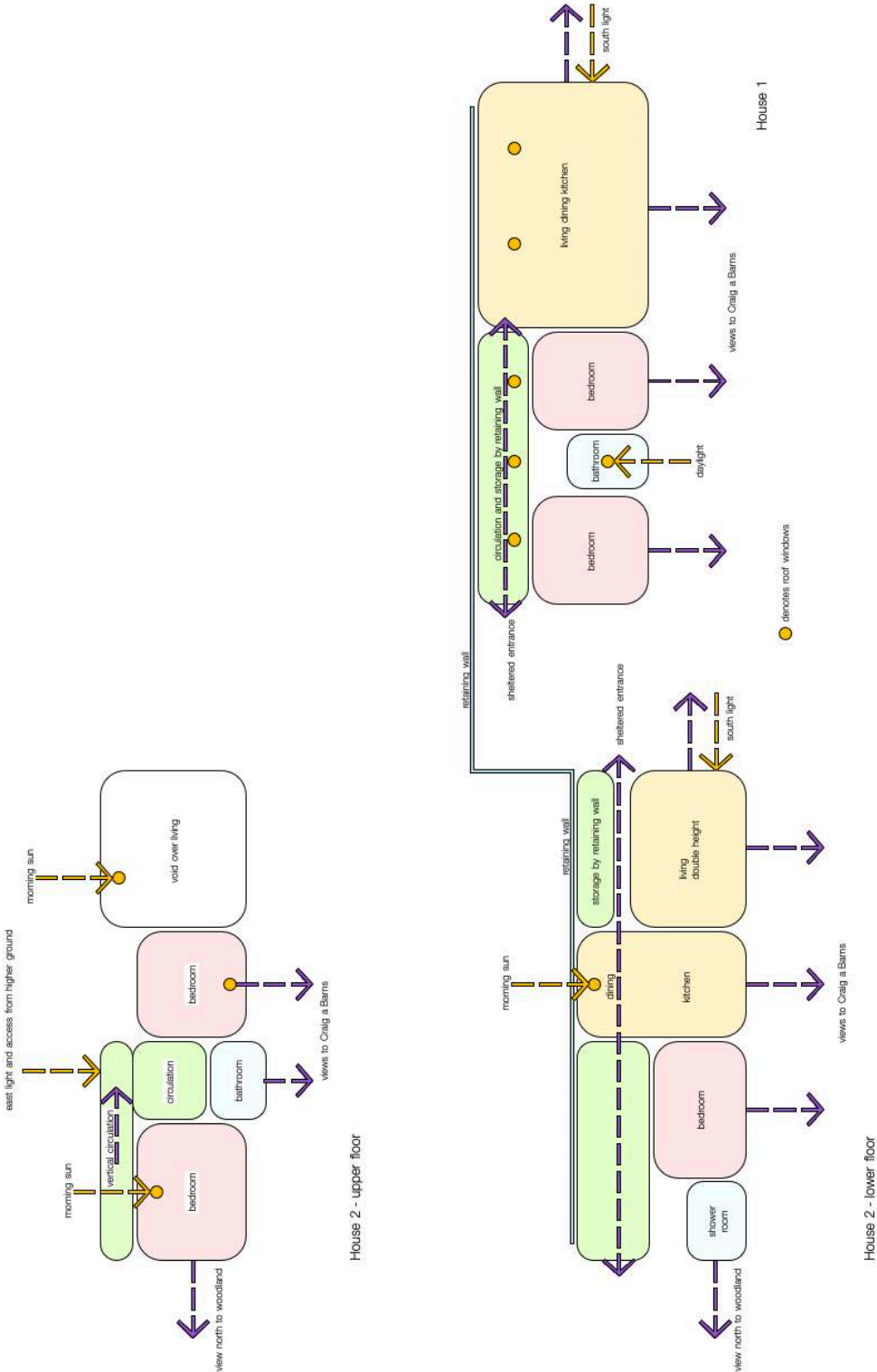
Whilst we don't advocate the need for new buildings to be inconspicuous, the existing trees and the topography of the site will screen the new houses from view from Atholl Street to a significant extent, with any views being glimpsed as they are with the other existing houses nearby. The use of stone and timber for the external walls of the houses will ensure they have a minimal impact upon the landscape character and visual amenity of the area. Indeed, the good quality design will positively enhance the character and appearance of the Conservation

House design and layout

The dwellings are designed with accessibility in mind and will have step free access.

The houses are orientated to ensure the living accommodation benefits from the views to Craig a Barns and south light. The bedrooms are located also to benefit from varying views and aspects. Those areas which would benefit most from morning light have rooflights or windows facing east.

The houses have also been designed to make use of passive design principles, employing active sustainable design. It will incorporate passive measures detailed previously in this document.



Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997, it will preserve the character and setting of the listed building and will preserve and enhance the character and appearance of the conservation area.

The Local Development Plan recognises that there may be scope for some small-scale residential development to support the continuing growth of Dunkeld. The Conservation Area Appraisal recognises that the western slope and wooded ridges of the hillside leading up to Spoutwells provide an attractive frame to the views eastward out from Atholl Street. This view will not be undermined or affected by the proposed development.

The proposals comply with the adopted Local Development Plan. The development will deliver acceptable level of amenity. The development will not impact on neighbouring amenity. We are not aware of any material considerations that prevail over this conclusion.

These two modest houses will provide homes for families who are keen to remain within the Dunkeld community and to continue to help the town thrive.

**LRB-2021-33 - 21/00736/FLL - Erection of 2 dwellinghouses,
land 90 metres north east of North Lodge, Dunkeld**

REPRESENTATIONS

Wednesday, 12 May 2021



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

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

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

Dear Sir/Madam

SITE: Land 90 Metres North East Of, North Lodge Dunkeld, Dunkeld, PH8 0AY
PLANNING REF: 21/00736/FLL
OUR REF: DSCAS-0039831-J9Q
PROPOSAL: Erection of 2 dwellinghouses

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the DUNKELD Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note



SW Public
Published
To find out more about connecting your
property to the water and waste water supply visit:



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

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.



- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.



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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Pamela Strachan

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



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Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Mr Martin Taylor

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Out of Character with the Area
- Over Looking

Comment: The proposed properties will overlook my property, albeit from some distance. The view from my property will be adversely affected.

But most important is that there will be a flooding risk to an already problematic area in Atholl Gardens because of loss of soakaway. The surface water cannot be connected to the combined sewer system and therefore will run into Atholl Gardens which will compound the already problematic flooding situation.

The proposed dwellings will also look out-of-character with the surrounding properties.

The proposed site is located within the conservation zone.

Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Lord Naren Patel

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road Safety Concerns

Comment: The access to the site of proposed development is from a private road, Spoutwells, which is a narrow lane, 2.03 Metres wide at the point of proposed access.

The road is right of access to residents of 14 houses, who are also responsible for meeting costs of upkeep of the road.

Access by residents, using the road, supply vehicles, and most importantly emergency services is required at all times, and cannot be blocked. Several of the residents are elderly. Pedestrians including children also use the road. Road is not suitable for big vehicles including refuse collection vehicles.

We need firm commitment in writing from developers and owners of the site, that access will not be blocked during construction at all times, also that future residents will have shared responsibility,

Importantly, we need confirmation that the owners of the private road have granted permission. Before council grants planning permission, we would like confirmation of above in writing.

Thank you

Lord and Lady Patel

[REDACTED]

17th May 2021

Perth and Kinross Council, Planning & development

Pullar House, 35 Kinnoull Street

Perth PH1 5GD

Dear Sir

Planning Application 21/00736/FLL

Erection of 2 Dwellinghouses at North Lodge, Dunkeld

We, [REDACTED], wish to notify Perth and Kinross Council Planning Development Department of our objection to the granting of approval of the above proposal. The areas of concern are as follows:-

- 1 Due to the topography of the proposed site any development there will have a deleterious effect on the privacy and enjoyment of our property and will significantly overlook our house and garden.
- 2 There will be serious implication on traffic management and potential danger at the junction of Atholl Gardens and the private access road to Spoutwells due to increased traffic.
- 3 The private access is steep and narrow and presently represents a threat without increasing the usage due to further traffic.
- 4 The site is within the Conservation Area and is a welcome open green space enjoyed by many walkers using the Spoutwells walk. It is also used by red squirrels and hunted on by owls and buzzards.
- 5 Further considerations are that dwellings of more than one storey are inappropriate at this location as is the use of zinc roofing. Restricted parking will encourage overspill parking in Atholl Gardens which is currently a problem. Drainage arrangements for any development will require major infrastructure works.
- 6 Development at this location will exacerbate the flood risk in Dunkeld. A Flood Prevention Survey is currently in progress.

We therefore request that no consent is granted for this application.

Yours faithfully

J.G.Jubb

Mrs R.B.Jubb

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00736/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner
Description of Proposal	Erection of 2 dwellinghouses		
Address of site	Land 90 Metres North East Of North Lodge Dunkeld		
Comments on the proposal	<p>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.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Royal School of Dunkeld Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0 <u>Total:</u> £0</p>		
Recommended informative(s) for applicant			
Date comments returned	20 May 2021		



By email to:

Developmentmanagement@pkc.gov.uk

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300051209
Your ref: 21/00736/FLL
20 May 2021

Dear Perth and Kinross Council

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

Land 90 Metres North East of North Lodge, Dunkeld - Erection of 2 dwellinghouses

Thank you for your consultation which we received on 11 May 2021. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
BTL32	Battle of Dunkeld	Battlefield

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We do not object to the development proposal.

However, as the proposed houses are located within the Battle of Dunkeld Inventory boundary, the potential impact on this should be considered. Although this area is not thought to be a key area of action in the battle as we currently understand it, the site application boundary may not have previously been disturbed. We therefore advise that you assess this potential impact further and consider the possibility of remains from the battle being uncovered during ground-breaking works. Your Council's archaeological advisers will be able to advise further on this.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

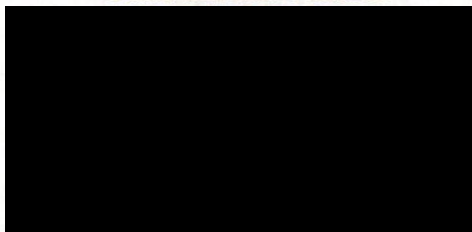
Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Nicola Hall who can be contacted by phone on 0131 668 8919 or by email on nicola.hall@hes.scot

Yours faithfully

Historic Environment Scotland

David and Jean Peacock



21 May 21, 2021

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

Dear Sir,

Planning Application 21/00736/FLL
Erection of 2 Dwelling Houses at North Lodge, Dunkeld

We, as residents of Atholl Gardens, wish to notify Perth and Kinross Council Planning Development Department of our objection to the granting of approval of the above proposal. Our points of concern are as follows:-

- The proposal will have a serious impact on traffic management and create a potential danger at the junction of Atholl Gardens and the private access road to Spoutwells due to increased traffic. The private access is steep and narrow, does not have a pedestrian footpath and presently presents a threat without the usage of further traffic.
- The site is within a Conservation Area and is a welcome open Green Space enjoyed by many walkers using the Spoutwells Walk. It is also used by red Squirrels and hunted on by owls and buzzards.
- Zinc roofing is inappropriate at this location.
- Restricted parking will encourage overspill parking in Atholl Gardens which is currently a problem.
- Drainage arrangements for any development will require major infrastructure works. It should be noted that a Flood Prevention Survey is currently in progress, and any development at this particular spot will exacerbate the Flood risk.

We therefore request that no consent is granted for this application,

Yours Faithfully

David and Jean Peacock

Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Mr Martin Foster

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Out of Character with the Area
- Road Safety Concerns

Comment: Martin and Julie Foster, Hillcrest, Spoutwell.

We feel the proposed development that requires access via a tight single track road should be carefully considered by the planning, traffic has increased on this road which has limited line of sight and passing places, adding more traffic seems concerning. can the road be widened, I think not?

Disappointingly we were not included in the notification letter and only found out via our neighbour, our land is within the 50meter zone, please can you advise why this was?

We have no really issue with the house design as it does not look onto our home unlike others where this will severely affect there view and current privacy which is why I feel we need to object.

Regards

Julie & Martin

Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Mr Robert Lindsay

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Out of Character with the Area
- Road Safety Concerns
- Traffic Congestion

Comment: Dear Sir

Planning Application 21/00736/FLL

We are residents in the small development at Spoutwells and as such have the legal right of access up the very steep and narrow single track private road from the town. This road has become increasingly congested over the years and is used by the residents of 14 houses, several of whom have two or more motor vehicles, as well as children walking to school, hikers, cyclists and cars going up and down to the Golf Course.

Signs have recently been erected highlighting the road as an access to the Golf Course and this has exacerbated the congestion and risk of a serious accident.

Any development which would add to the number of vehicles using this road would be a serious road safety hazard especially as the proposed entrance/exit would be hidden to all vehicles travelling down the hill as it is just past a dangerous blind bend.

The road is not treated by the local authority in the winter and travelling up or down in icy or snowy conditions is extremely dangerous. I have witnessed several incidents where a car travelling downhill meets another travelling uphill causing it to skid into the side of the road to avoid a collision due to the ice or frost. Pedestrians have to scramble onto a steep banking to avoid vehicles which may, at times, be out of control due to the icy conditions. The added danger of

having to suddenly brake for a car exiting the proposed development must be avoided or a serious accident could take place.

The application states that waste will be recycled but the large bin lorry does not service any houses past the 30mph sign therefore these houses, as with all the others up the hill, would not be able to benefit from the recycling collection and all refuse is collected in a green bin.

Finally, as the private road forms the only access for our houses it is essential that no construction or other traffic blocks this for any reason whatsoever and 24 hour emergency access must be maintained at all times.

Yours faithfully

Robert & Caroline Lindsay

[REDACTED]

[REDACTED]

25th. May, 2021

Ref.: Planning Application 21/00736/FLL

Erection of two dwellinghouses at North Lodge, Dunkeld

Dear Sirs

My wife and I are owners of 15, Atholl Gardens, Dunkeld and would like to register our objection to the above planning application for the following reasons.

The junction of Atholl Gardens & Spoutwells is already dangerous and increasing the amount of traffic using the junction would only exacerbate the problem.

The lower section of Atholl Gardens is prone to flooding and any works done relating to building works & car parking areas would only make the situation worse in our opinion.

The residents of Atholl Gardens already have to suffer the inconvenience of visitors to Dunkeld parking adjacent to their properties due to a combination of not enough car parking capacity & people not being willing to pay to park. The construction of these dwellings would encourage even more thoughtless parking in Atholl Gardens.

We would earnestly hope that no consent would be granted for the above application.

Regards

[REDACTED]

A J Ogg

[REDACTED]

Susan Ogg



TO DEVELOPMENTMANAGEMENT@pkc.gov.uk

Planning Application 21/00736/FLL Erection of two Dwelling Houses at North Lodge Dunkeld.

~~We are owners of 1 Atholl Gardens~~. We wish to object to the above application.

The site overlooks our property causing loss of privacy

The site on a steep hillside opens onto a narrow road which is liable to flooding

There is an existing traffic hazard where Spoutwells and Atholl Gardens join. Due to random car parking and a lack of pavement, Pedestrians and particularly children who walk to school are at risk. Extra traffic will add to this danger.

The proposed site on the hill is in a conservation area which is a haven for wild life with many birds, red squirrels, and birds of prey. It is also the long time path the deer take up the hill. Above the site are mature trees. All these must be protected.

We would ask that consent is not granted for this application

Thank You

Yours Faithfully Dr J and Mrs G Donnelly

Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Dr Deirdre Torrance

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Inappropriate Land Use
- Light Pollution
- Loss Of Trees
- Out of Character with the Area
- Road Safety Concerns
- Traffic Congestion

Comment: Dear P&K Planning Department colleagues,

Objection to planning application 21/00736/FLL

I would be grateful if you would please take the following objections and concerns into consideration with regard to the proposed erection of two dwelling houses at land 90 metres North East of North Lodge, Dunkeld. There are a number of facets to my objection, detailed below as per the 'possible reasons for comment' listed on the P&K Council Planning Department's website.

Adverse Effect on Visual Amenity - The proposed development would have a detrimental impact on the appearance and landscape character of this hillside within the National Scenic Area, contrary to Policy 38B National Designations and Policy 39 Landscape of Perth and Kinross Local Development Plan 2019.

Contrary to Development Plan Policy - The plot lies within Dunkeld Conservation Area and within River Tay (Dunkeld) National Scenic Area (NSA). The proposed new dwelling houses would constitute greenfield development, contrary to Policy 38B National Designations and Policy 39

Inappropriate Land Use - There would be a detrimental impact on the existing character and appearance of the hillside land as a result of the proposed new dwelling houses, contrary to Policy 38B National Designations and Policy 39 Landscape of Perth and Kinross Local Development Plan 2019.

Light Pollution - If new (council) lighting is installed, particularly given the specific road safety concerns at the proposed access/egress point, this would have a further detrimental effect on the wildlife living in the surrounding area.

Loss of Trees - The proposal would involve a significant amount of vegetation clearance, resulting in a loss of habitat contrary to Perth and Kinross Local Development Plan 2019 Policy 41 Biodiversity. This would have a negative impact on wildlife including red kites, woodpeckers, bats, newts and red squirrels, some of which constitute protected species. Has there been an environmental impact survey conducted to ascertain which species are established on the hillside area and what actions would need to be taken in the immediate and longer term, in order to protect them and mitigate against any adverse impact on them?

Out of Character with the Area & Protection, Promotion and Interpretation of Historic Battlefields - The site lies within an area designated and recorded as the location of the Battle of Dunkeld 1689. As such, this site has historical significance which once destroyed, cannot be recovered.

Road Safety Concerns - Access for construction purposes and longer term, for a planned turning area and communal car parking on site for 2 vehicles for the proposed new dwelling houses, is via the private single track lane called Spoutwell. It is bounded to the north and partly to the south east by a public footpath. This private single track lane is 2.3 Metres in width at point of proposed access to the new development. Both the private single track lane and the public footpath provide vital access from Atholl Street to Spoutwells. Moreover the lane, which has no pavement provision, is also used by pedestrians including children on a daily basis. The proposed site and plot access is therefore unsatisfactory in terms of road safety, contrary to Perth and Kinross Local Development Plan 2019 Policy 60 Transport Standards & Accessibility Requirements.

Traffic Congestion - Entrance to the proposed dwelling houses will be on the bend just below the beech trees. There are concerns relating to access for deliveries and refuse collection i.e. a bin lorry could block the traffic flow. The lane is also used by emergency vehicles, with several local residents being elderly. The deliberately minimal allocation of parking spaces would mean that visitors to the two houses would need to park outwith the boundary of the houses, creating congestion and potentially blocking the entry to the private single track lane (Spoutwell) leading from Atholl Street to Spoutwells. In the more immediate sense, it is difficult to conceive how the movement of machinery, storing of materials etc could be accommodated on site throughout the duration of the construction works, thereby adding the considerable risk of traffic congestion and to

road safety concerns.

Further to the concerns noted above, the residents serviced by the private single track lane (Spoutwell) not only have right of access and egress, but are also responsible for maintaining the lane with associated costs. Similar commitments should apply to any new owners, including responsibility to put right any damage caused during construction. Moreover, a firm commitment would be needed in writing from the developers of the site and from the current owners, that at no time would access to residents of Spoutwells be blocked during construction work on the site. The legal status of construction access is needed since Spoutwell brae is classified as a private road. The Council does not take responsibility for clearing or gritting the road which becomes very icy during the winter months.

Furthermore, I wonder if a structural survey of the stability of the hillside has been conducted? The hill is of significant gradient, with the site sloping from east to west, and ground levels rising from 61.2 metres AOD at the south west corner to 85 metres AOD along the eastern boundary. Further, the proposal is to sit the dwelling houses into the hillside to a depth 2.2 metres. There is therefore an associated risk of soil erosion, particularly given the rainfall which the site often experiences. Assurances would be sought that the proposed development would not endanger the stability of the slope, nor raise any risk of landslide. The private single track lane (Spoutwell) provides a vital link between Dunkeld and Spoutwells, as well as the wider area and its communities.

Thank you for taking my objections and concerns into consideration.

Yours sincerely,
Deirdre

Dr Deirdre Torrance

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Miss Sue James

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Flooding Risk
- Inappropriate Land Use
- Lack or loss Of Car parking
- Loss Of Open Space
- Out of Character with the Area
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: I would like to object to this proposed development on the following grounds:-

Dunkeld is a conservation area and the use of tin for roofing is inappropriate.

Spoutwells is narrow and steep, and its junction with Atholl Gardens is already problematic; further housing will increase traffic management and potential danger issues.

Insufficient parking in plans. Public transport is too infrequent to not rely on a car and will result in more cars being parked in Atholl Gardens (residents of new property plus their visitors); overspill parking is already a problem for residents here.

This development will exacerbate the flood risk in Dunkeld, note Flood Prevention Survey currently underway. The lower parts of Atholl Gardens already suffer from flooding and this development will exacerbate this.

The proposed site is used by much local wildlife from red squirrels and deer, to owls, buzzards

and bats.

Bin collections are not done on Spoutwells so no indication is made of where these bins are going to be collected from.

Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Mrs Briony McDonald

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Loss Of Trees
- Out of Character with the Area
- Over Looking
- Traffic Congestion

Comment: In the first instance I would like to express my dismay that I only found out about this proposal via a chance conversation in the Dr's surgery. I wonder if all of the requisite steps were taken to advise interested parties. It is disappointing if so as it is surely evident that such a development is inevitably going to cause upset in such a small place.

The houses will be visible to anyone approaching from the Blairgowrie end of the village, unlike Atholl Gardens which is concealed behind a screen of mature trees and shrubs. This will undoubtedly impinge upon the visual aspect of a place known, admired and visited for its beauty. Some residents of Atholl Gardens have been subject to fairly serious incidents of flooding over the past couple of decades, the risk of this reoccurring can only be heightened by the removal of vegetation and soil from the slope in such close proximity. In addition I would question whether construction on such a steep hillside could result in land slips in a place where rainfall can be heavy and persistent.

With further regard to construction, Spoutwells is extremely narrow and as such entirely unsuitable to accommodate a building site so close to the roadway. The disruption to residents; the potential for traffic congestion and risk to pedestrians will be intolerable.

The proposed dwellings will be able to look into my shower room window as well as overlooking many of my neighbours' homes. I will no longer be able to have private enjoyment of my garden,

which is something that will profoundly affect those even closer.

I consider that the proposals are wholly out of keeping with the local environment and are contrary to the local development plan.

If approved, we fully intend to seek legal advice to get this decision overturned.

Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Ms Roslyn Leslie

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Flooding Risk
- Inappropriate Land Use
- Lack or loss Of Car parking
- Light Pollution
- Loss Of Open Space
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: We have concerns about the entrance location on the blind corner and feel that it could be dangerous, particularly in icy weather.

Any construction traffic blockages would be very inconvenient. There is already little space for pedestrians at the roadside. Particularly when the grass is long or there has been snowfall.

After heavy rainfall, the water that flows down Spoutwell is considerable and I would have concerns about how this affects the hill with any structure built into it. The edges of the private road are steep and show signs of small landslips and erosion after some of the recent heavy rain already.

Wildlife and greenspaces are important. We would have concerns about the dwellings having a negative effect on that. Particularly if additional lighting is required for road safety.

Yours sincerely,
Edmund & Roslyn



To:	John Russell, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	1 st June 2021

21/00736/FLL | Erection of 2 dwellinghouses | Land 90 Metres North East Of North Lodge Dunkeld

Thank you for consulting PKHT on the above application. The proposed development site is archaeologically sensitive as it is sited within the Battle of Dunkeld (BTL32/ MPK17972)

As noted in the PKHER this battle followed on from the Battle of Killiecrankie. On the 27 July 1689, the victorious Jacobite force began its march south towards Edinburgh. At Dunkeld the Jacobites encountered the Government Army consisting of the Cameronian regiment led by Lt Col Cleland. Over four hours of hand to hand combat ensued in the streets of Dunkeld and despite the Cameronians being outnumbered by 3:1, Dunkeld was held and the Jacobite army dispersed. The Jacobite rebellion continued for a year or so following this battle but was crushed by the summer of 1690.

Historic map regression at the location suggests that this site has likely not been altered considerably since the time of the battle, therefore there is potential for archaeological remains associated with the event to survive. In addition, recently a geophysical survey carried out by the University of Aberdeen in 2020, identified the western extent of the Medieval Burgh surrounding the cathedral of Dunkeld. This showed the layout of individual houses, streets and avenues within the town. Although this is located 280m SW of the development plot it shows potential for remains to survive on undeveloped land in the area.

As an urban battle that resulted in the old town being burnt to the ground its likely evidence survives in undeveloped areas across Dunkeld. The development site does appear to lie out with the main core of the old town itself, and subsequently the battle activity but given the fact it's not been more recently developed in the 19th and 20th centuries etc and is within the Battle Inventory boundary there is a chance for archaeological remains to be identified. Given the nature of battlefield archaeology it may be an archaeological watching brief on ground-breaking works alongside metal detecting the excavation in spits may be an appropriate mitigation. The final details of this should be agreed with PKHT prior to all site works in a WSI. Should anything pertaining to the Battle of Dunkeld or indeed the old town be identified during the works it can then be appropriately recorded.

We recommend that should this application be approved a negative suspensive condition for programme of archaeological works should be attached to consent to ensure a permanent record is made prior to modification.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for historic building survey be attached to consent, if granted:

HE25 *Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the*

Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Notes:

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

Comments for Planning Application 21/00736/FLL

Application Summary

Application Number: 21/00736/FLL

Address: Land 90 Metres North East Of North Lodge Dunkeld

Proposal: Erection of 2 dwellinghouses

Case Officer: John Russell

Customer Details

Name: Mr John Gordon Jubb

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This Planning Application is fundamentally flawed as, to my knowledge, no site notices were displayed for public viewing.

J G Jubb

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00736/FLL	Comments provided by	Marianna Porter
Service/Section	Conservation	Contact Details	
Description of Proposal	Erection of 2 dwellinghouses		
Address of site	Land 90 Metres North East Of North Lodge Dunkeld		
Comments on the proposal	<p>The site is located within Dunkeld Conservation Area and occupies a prominent roadside location. The conservation area appraisal identifies views across the site towards Dunkeld as key views and the western slope and wooded ridges of the hillside leading up to Spoutwells as providing an attractive frame to the views eastward out from Atholl Street and the site itself as part of public/private open space within the conservation area. The appraisal also identifies 'The narrow Old Military and Spoutwell roads, climbing out of the town to the east and north-east respectively, are also bordered by mature woodland forming a sense of enclosure and inviting further exploration.'</p> <p>Although it is noted that the proposed dwellings would be set back into the hillside which would reduce their visual impact this would still entail a considerable change to the appearance of the site. As a result of the topography of the site the majority of hard landscaping and domestic paraphernalia would be located close to the road.</p> <p>As a result I consider that the proposed development would have an adverse impact on the character and appearance of the conservation area through the introduction of development into an important green space which contributes positively to the character and appearance of the conservation area, including views both into and out of the conservation area. I therefore object to the proposal.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	07.06.2021		

Louvain Pentley

From: DBCC Secretary [REDACTED]
Sent: 16 June 2021 10:20
To: Development Management - Generic Email Account
Subject: 21/00736/FLL | Erection of 2 dwellinghouses | Land 90 Metres North East Of North Lodge Dunkeld

Dear Sir/Madam, I am writing on behalf of Dunkeld and Birnam Community Council regarding the above planning application. The Community Council discussed this application at our meeting on Monday 14th June 2021 and have the following comments to make.

We note that there are a number of objections to this application and that these are, in the main, along technical grounds, in which we do not have sufficient expertise to comment. The members of the community council had a variety of views about the proposal, some concerns were expressed about the impact on the Dunkeld (River Tay) National Scenic Area, however others felt that the location of the proposed houses was such that, although it would diminish some of the private open space, it would not have a significant adverse impact on the special qualities of the Dunkeld Conservation Area. As we had also been discussing the issues around affordable housing at our meeting, we noted that the two proposed homes are relatively modest in size. While it is our understanding that based on current proposals they will not qualify as 'affordable', the Community Council recognised that they would satisfy a clear need for smaller scale housing in the community.

Yours

Helen Taylor
Secretary
Dunkeld & Birnam Community Council

Facebook Page: <https://www.facebook.com/DandBCC/>

The Bridge: <http://dunkeldandbirnamnews.co.uk/community-news/community-council>

Dunkeld & Birnam Community Council meetings generally take place on the 2nd Monday of each month (please see The Bridge for details). Meetings are held at the Birnam Institute and start at 7pm. Members of the public are most welcome to attend.

Perth & Kinross Council

LRB-2021-33. 21/00736/FLL

I refer to your notice regarding a review of the Planning decision dated 7th July 2021.

The refusal was clear and the reasons given were inarguable. The decision was supported by the number of objections raised by the residents at this locality.

The area is a Conservation Area and covered by the Local Development Plan. This recognises the value of the affected area.

There are other sites in the Dunkeld and Birnam area suitable for residential development and areas on the periphery where development could take place without detriment to the amenity of the community.

The access road at Spoutwells is unsuitable for increased traffic and is a private road maintained by the residents at Spoutwells. The road is also used by a substantial number of pedestrians for access and recreation.

Flooding is an issue at this locality and there is presently a study in progress by Perth & Kinross Council to seek improvement.

The Applicants have recently relocated to the North Lodge and may not be aware of the severity and frequency of the problem. Any increase in risk will affect a number of houses in Atholl Gardens and also the dwellings in St. Ninians Court and Atholl Street.

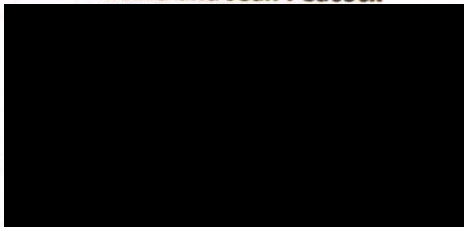
The need for hard standing, parking and turning areas as part of the development will exacerbate the quantity of run off and further threaten existing properties. Substantial excavation will be required and this will destabilise the existing hill which is formed from glacial moraine.

The Applicant should be made aware of the finding in the case “*Rylands v Fletcher 1868 HL*” and their liability in the event of further flood damage.

In conclusion it is felt that the original decision to refuse the application is correct and appropriate.

Mr G Jubb

David and Jean Peacock



14 Oct 2021

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

Dear Sir,

Your Ref LRB-2021-33

Planning Application 21/00736/FLL

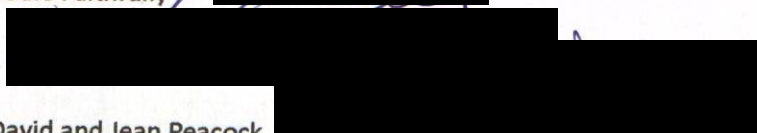
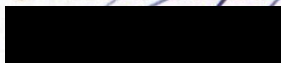
Erection of 2 Dwelling Houses at North Lodge, Dunkeld

Thank you for your letter dated 6th October.

We made our points in our previous letter dated 21st May, against the proposal to build 2 dwelling houses on land 90 metres north east of North Lodge and we believe that all these points are still valid.

However, on looking at the "reasons for refusal" document which you enclosed with your letter, we note that there is no mention of the flooding risk at the bottom of Spoutwells. The name "Spoutwells" says it all in that there is and always has been a serious flooding risk at the bottom of the lane. I believe that there is a current investigation being carried out by Perthshire and Kinross Council on this issue. We feel that two additional dwelling houses right at the point where the burn enters under-ground pipe work can only exacerbate the risk and we suggest that the possibility of creating a flood risk should be added to your reasons for refusal.

Yours Faithfully /



David and Jean Peacock

CDS Planning Local Review Body

From: BRIONY MCDONALD [REDACTED]
Sent: 17 October 2021 15:24
To: CDS Planning Local Review Body
Subject: Re: LRB-2021-33

Dear Ms Simpson

I am writing to confirm that we still object to the proposed development which the applicants are seeking to appeal. The 6 reasons for refusal outlined in the notice from the planning department remain completely valid and I have no information that the plans have changed significantly from before. The applicants have not had the courtesy to address their neighbours strongly felt concerns.

Yours sincerely

Briony and Rob McDonald
[REDACTED]

CDS Planning Local Review Body

From: James Donnelly [REDACTED]
Sent: 19 October 2021 19:48
To: CDS Planning Local Review Body
Subject: Fwd: Review Body 2100736/FLL

Subject: Review Body

Application Ref 2100736/FLL

I refer to the above application and the notice received regarding a review of the planning decision.

There have been problems with flooding in Spoutwells. This has been a serious concern for some time causing flooding on the main road at the car park and Atholl street.

Stones, rocks, soil and debris are continually washed down the road resulting in blocked drains. This happens with quite moderate rain fall.

Excavation for the site would destabilise the hill side causing more run off and possibly cause land slip affecting the road and the electricity sub station.

(On a purely personal note we do not wish a landslide into our or our neighbours gardens.)

Please consider these points raised.

G Donnelly



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By email to: PlanningLRB@pkc.gov.uk

Lisa Simpson
Clerk to the Local Review Body
Legal and Governance Services
Perth and Kinross Council

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMAppeals@hes.scot

Our case ID: 300051209
Your ref: 21/00736/FLL

19 October 2021

Dear Lisa Simpson

Appeal Against Refusal of Planning Permission under The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013
Application Ref: 21/00736/FLL - Erection of 2 dwellinghouses, land 90 metres north east of North Lodge, Dunkeld

We have been notified of the above review of the decision to refuse planning permission.

We have made previous comments in relation to this proposal and have nothing further to add. I attach a copy of our previous correspondence for ease of reference.

If the Review Body has specific questions where our expertise would be useful we will be happy to provide further submissions in response to these.

Yours sincerely

Historic Environment Scotland



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ALBA

By email to:

Developmentmanagement@pkc.gov.uk

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

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300051209
Your ref: 21/00736/FLL
20 May 2021

Dear Perth and Kinross Council

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

Land 90 Metres North East of North Lodge, Dunkeld - Erection of 2 dwellinghouses

Thank you for your consultation which we received on 11 May 2021. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
BTL32	Battle of Dunkeld	Battlefield

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We do not object to the development proposal.

However, as the proposed houses are located within the Battle of Dunkeld Inventory boundary, the potential impact on this should be considered. Although this area is not thought to be a key area of action in the battle as we currently understand it, the site application boundary may not have previously been disturbed. We therefore advise that you assess this potential impact further and consider the possibility of remains from the battle being uncovered during ground-breaking works. Your Council's archaeological advisers will be able to advise further on this.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Nicola Hall who can be contacted by phone on 0131 668 8919 or by email on nicola.hall@hes.scot

Yours faithfully

Historic Environment Scotland

Elizabeth Bremner Architecture

2A Southfield Road East Edinburgh EH15 1QW

E elizabeth@elizabethbremnerarchitecture.co.uk

T +44(0)7802 891 868

Response to Representations to
Local Review Body Application
reference LRB-2021-33

Planning Application Ref: 21/00736/FLL -
Erection of 2 dwellinghouses, land 90 metres
north east of North Lodge, Dunkeld
for Mr and Mrs Bremner

4 November 2021

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Response to representation from Mr G Jubb

Reasons for refusal

Stating that the reasons for refusal were inarguable is an empty assertion. The application for review covers in detail why we believe the reasons are arguable.

Conservation Area

As Mr Jubb states, the plot does indeed lie within the Dunkeld Conservation Area in The Local Development Plan 2 2019 (adopted) which states that there may also be scope for some small-scale infill residential development.

Houses should be built elsewhere

Stating that there are other sites elsewhere in and around Dunkeld and Birnam suitable for residential development is not pertinent to this application.

Access road

Asserting that the access road is unsuitable for increased traffic is incorrect. A traffic survey was carried out over a twelve hour period from 7 am to 7 pm. Over a typical five day period, on average 15 vehicles travelled up Spoutwells Brae and 15 vehicles travelled down the brae; a large percentage being return journeys.

The occupants of the proposed houses would enter and exit the plot via the Right of Way relatively close to its junction with the public road, 50 metres away. The proposed passing place will make that section of road safer for all users, vehicular and pedestrian.

Flooding

Flooding would appear to be an issue arising because the sewer is no longer adequately sized to accept increase water levels from a watercourse which runs through and under properties on the opposite side of the access road. The increased water levels are a result of climate change.

The Applicants have lived in North Lodge for almost 3 years and over that period they have witnessed flooding on Atholl Street and Atholl Gardens once. However, while we understand that this flooding issue is under investigation, the low level of surface water from the proposed properties will soakaway on site and as such, will not exacerbate the current flooding issue and will not increase the the risk as asserted erroneously by Mr Jubb.

Again, there is no basis to assert that excavation will destabilise the hillside. It is not in the applicants' or agent's interest to destabilise the hillside. A Structural and Civil Engineer will be employed to ensure that the excavation is carried out safely and that the hillside is not undermined.

The reference to the Rylands v Fletcher 1868 HL case is irrelevant and inappropriate at best. The case in question, raised more than 150 years ago, concerned English & Welsh Law and was brought after a reservoir, formed over a disused mine, flooded a neighbouring working mine. The case was taken to the House of Lords which decided that the owner of the reservoir land was responsible and as a result a new area of English Tort Law was established. However, in 1985 the use of Rylands in Scots law came to an end in RHM Bakeries v Strathclyde Regional Council. Lord Fraser, as part of his judgment, stated that the idea of strict liability that was brought into play by Rylands was **not** a part of Scots law, and the idea that it ever had been valid was "a heresy that ought to be extirpated".

Response to representation from David and Jean Peacock

Flooding

SEPA have identified that there is between a 0.1% and 0.5% likelihood of flooding at the entrance to the carpark on the opposite side of Atholl Street which would appear to be an issue arising because the sewer is no longer adequately sized to accept increase water levels from a watercourse which runs through and under properties on the opposite side of the access road. The increase water levels are a result of climate change.

The low level of surface water from the proposed properties will soakaway on site and therefore will not cause or increase the risk of flooding.

Response to representation from Bryony and Rob McDonald

Reasons for refusal

Stating that the reasons for refusal remain completely valid is an erroneous claim; it is a matter for the Local Review Body. Asserting that the applicants have not had the courtesy to address the neighbours concerns is not true. The application for review addresses all the concerns raised.

Contrary to Briony McDonald's belief raised in her letter of objection, it is subjective as to whether the proposed houses, which may be visible from somewhere, will "impinge visually". Certainly, the houses will not be visible from any of the framed or key views identified in the Dunkeld Conservation Area Appraisal.

Ms McDonald also expects the disruption to road users caused by the building site to be intolerable. Any disruption to road users will be kept to a minimum, as with any building site. It is in no one's interest to cause unnecessary disruption. Delivery of materials will be limited to times where they will cause least disruption. Indeed, the Planning Officer commented that "the concern regarding construction activity in the representations are noted however this will likely be a short-term change to the status quo. Given the scale of the works it is not considered that conditional control is required in this case."

Ms McDonald has suggested that the proposed dwellings will overlook her shower room. Her address is not known to us. However, a section through the site and to the closest neighbour at 8 Atholl Gardens has demonstrated that there is no potential for overlooking, only the roof of 8 Atholl Gardens will be visible from either of the proposed houses.

In addition, proposed house no. 1 is 24 metres and house no. 2 is over 34 metres from 8 Atholl Gardens which far exceeds the minimum planning requirement of 18 metres between dwellings. If Briony McDonald lives further than 8 Atholl Gardens then her shower room will certainly not be overlooked and her garden will only be overlooked by her immediate neighbours.

All other points raised by Ms McDonald in her letter of objection regarding flooding and landslips are covered in the responses above.

Mr and Ms McDonalds's threat of legal action to overturn any subsequent decision to approve the application under review amounts to bullying tactics; discourteous to both the Applicants and the Local Review Body.

Response to representation from James Donnelly

Flooding

James Donnelly respectfully asks that the issues regarding flooding and land slip be considered. We are keen to re-assure Mr Donnelly that the proposed houses will neither exacerbate a separate flooding issue (which will be attended to and resolved by Scottish Water and Perth and Kinross Council) nor cause land slip which will be mitigated against by the Civil and Structural Engineer's design.

Response to representation from Historic Environment Scotland

Historic Environment Scotland confirm that they have nothing further to add to previous comments made in relation to this proposal. Their previous comments confirmed their view that the proposals do not raise historic environment issues of national significance and therefore they do not object. They further advise that "as the proposed houses are located within the Battle of Dunkeld Inventory boundary, the potential impact on this should be considered. Although this area is not thought to be a key area of action in the battle as we currently understand it, the site application boundary may not have previously been disturbed. We therefore advise that you assess this potential impact further and consider the possibility of remains from the battle being uncovered during ground-breaking works. Your Council's archaeological advisers will be able to advise further on this." The possibility of remains from the battle being uncovered during ground-breaking works, which otherwise remain hidden, will be welcomed.

