

TCP/11/16(409)

Planning Application – 15/02046/FLL – Change of use and extension to garage to form dwellinghouse, former garage at Birnam Park, Birnam

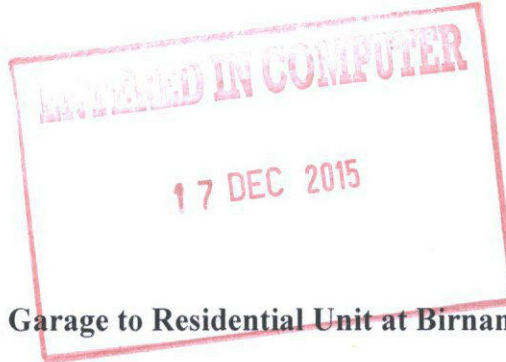
REPRESENTATIONS

RECEIVED

16 DEC 2015

**Birnam Glen
Birnam
PH8 0BW****26 November 2015**

Planning Department
Perth and Kinross Council
Pullar House
Kinnoul St
PERTH
PH1 5GD



Dear Sir

Application for change of use from Garage to Residential Unit at Birnam Bank

We, the residents of Birnam Glen, understand that an application for change of use from garage to residential use will be submitted shortly and write collectively to object to the proposed planning application, in the hope that this will avoid unnecessary stress and expense on all sides.

The application, to build a garage, was submitted by the doctors who owned and continue to own this property (although now as absent owners) approximately 23 years ago. They had the need to access their cars at all times of the year and hours of the day for emergency medical services. One of the doctors used time on call to undertake home repairs and improvements. They provided a personal assurance that the provision of the, larger than necessary, structure was not for future residential use but to enjoy a hobby and provide easy access to their vehicles.

The doctors had objected to an earlier residential planning application (on ground which is believed to be included in the current application) by the Doctors' neighbour. They subsequently purchased the ground at non-residential value from the neighbour.

This application therefore seeks to gain financial benefit by converting, to residential use, the ground which was purchased at non-residential value and developed for non-residential purpose.

This application not only seeks to make financial benefit from backdoor planning permission but creates a precedent for extensive development of the Glen, which cannot be accommodated.

Damage to Birnam Glen Road

Access to the site of the planning application is from a private road (Birnam Glen). Residents of Birnam Glen are responsible for the repair and maintenance of the road. It is already in a poor condition and has been patched in recent years. The delivery of materials and labour for a development would cause damage to the road and hasten the need for it to be relaid. We do not wish to incur this expenditure and refuse to allow this use of the road.

Congestion Birnam Glen Road

Birnam Glen is a single track road which runs alongside and above the Inchewan burn. The stretch of road from the hairpin bend to the section under the A9 extends to 200 metres. It is steep, winding and has no passing places. It is bounded on one side by steep vegetation, which supports a footpath and the return of the road. The other side has a low wall, an old retaining wall, and a sheer drop to the Inchewan Burn. The drop from the road to the burn at points is five metres.

When cars meet, it is necessary for one car, usually the one travelling upwards, to reverse down the winding road. This is a difficult and dangerous manoeuvre and has generated many accidents. A neighbour, with many years experience of Glen driving, reversed into the burn and had to be rescued with the use of lifting gear. Many cars have been damaged during bad weather.

As it is a private road, it is untreated in winter. It becomes extremely difficult to manoeuvre a car on the road, even with a four wheel drive facility. If a car has just turned round the hairpin on its downward journey, it is impossible to reverse upwards in icy weather. A car journeying upward must therefore reverse the entire length down to the A9 Bridge.

The use of the Glen road for deliveries of materials and labour will increase the likelihood of having to undertake this dangerous manoeuvre during the course of the construction contract. The occupants of a completed house would also increase the likelihood of this, by 10% on a permanent basis.

Water Pressure

2 houses in the Glen suffer from severe water pressure problems. An additional house would increase this problem and possibly extend it to new households.

Setting of a Listed Building and Conservation Status

The application site is located in an area of outstanding scenery, in a conservation area, on a road with listed buildings interspersed with others listed for their group value. It overlooks Heath Park / The Lodge, a listed building. The site is on the Birnam Circular Walk, which is enjoyed by many visitors and local residents.

Permission for this development would affect the setting of the listed building. The Conservation Area includes the setting of large and small Victorian houses, which are located in generous gardens. The scale of gardens is in harmony with the houses and the

relationships between the buildings and the spaces created between them form an important element of their attractiveness. No visible development has taken place along the upper Glen road, since the houses were built over a hundred years ago. This adds to the appeal and, even for a conservation area, is unusual and should be preserved.

Precedent

With the exception of Birnam Bank Cottage, each of the 9 upper Birnam Glen houses have easy capacity for construction of a garage, for subsequent conversion to residential use within their gardens. Permission for residential development was turned down even before conservation status was granted in 1997. Permission for a residential unit at Elsey Cottage was turned down in 2008. Approval of this application would set a precedent for future development by other residents, leading to a severe loss of amenity and undermining the objective of the conservation area which is to preserve, retain or keep entire buildings and their surroundings.

Yours faithfully

ERICA + GRAHAM ROBB

TIGH-NA-BEITHE

TRISH + MARK FAREY

HEATH PARK

Maurice Farley

MIKE + CAROL MEHLOR

OAKBANK

Mr + Mrs William
Carmichael, Birnam Glen

HILARY & LYNN STEWART.

BIRNAM BANK
COTTAGE

KATE + PHIL

RIDDIE (see attached e-mail)

LARAGH MUIR

ROSEMARY PRESTON

CRAIG BEITHE

Elsey Cottage, Birnam Glen, Birnam, Dunkeld, Perthshire. PH8 0BW

Planning Department
Perth & Kinross Council
Pullar House
Kinnoul Street
Perth
PH1 5GD

RECEIVED

15 DEC 2015

11th December 2015**Proposed New Vehicle Access point from Birnam Glen road through a walled garden at Birnam Bank PH8 0BW****Impact**

Noise – Disturbance – Light Disturbance - Vehicle Fumes – Road/Pedestrian safety -

Space constraints

Road width c. 3 mtrs. Green gate to Elsey Cottage Garden gate c.3 mtrs. Green gate to Elsey Cottage Front Door c.4mtrs. Living room window to car headlights and car exhausts c.3mtrs. Wheelie bins.

Objections

The proposed new vehicle access point through a narrow old existing Victorian walled garden gate is directly opposite Elsey Cottage garden gate with a road width of only 3 mtrs. This would at times block access to the ginnell between two cottages. There would be unacceptable safety issues, vehicle exhaust fumes, noise disturbance, due to car engines and car door slamming. Light disturbance with headlights. Car head lights would shine directly into Elsey Cottage living room and bedroom at distance of only c. 3 mtrs. Car exhaust fumes would percolate into Elsey Cottage. Pedestrian safety would be compromised at this pinch point.

There are two wheelie bins live here as it is the only available place for them. This further reduces the access and space available at this pinch point even further for the refuse vehicles.


Emergency vehicle Fire and Ambulance access would also be problematic at this point.

There is already excellent vehicle access available to the garage through the existing Birnam Bank gateway and therefore no new access is needed.

The cumulative impact of all the above issues would be unacceptable.

I therefore object to this proposed new vehicle access point for the above reasons.

Yours sincerely



M. Thewlis

ENTERED IN COMPUTER

17 DEC 2015

15/02046/FLL

RECEIVED

16 DEC 2015

Heath Park

Birnam Glen

Birnam

PH8 0BW

14 December 2015



Planning Department
Perth and Kinross Council
Pullar House
Kinnoul St
PERTH
PH1 5GD

Dear Sir

Application for change of use from Garage to Residential Unit at Birnam Bank

In addition to the collective letter which, in combination with the individual letter from Mr M Thewlis of Elsey Cottage, now constitutes an objection from every Upper Glen household, I write to add some addition points of objection which are made from the perspective of Heath Park.

The garage, which I understand will be the subject of an application to convert to residential use, was constructed adjacent to the garage of my house, Heath Park. It is an ideal location for garages, as we both use them as workshops. They are in the corner of our gardens and closest to the noise from the road and in close proximity to the noise of rail traffic. It therefore makes good use of the least attractive parts of our gardens and the noise of our power tools is at the furthest possible distance from each of our houses.

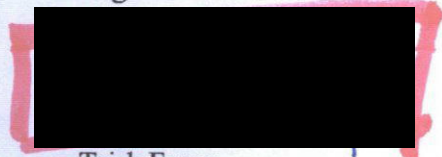
The proposed conversion of the garage to residential use will impact on our use of our workshop as it is immediately adjacent to our garage. Our garage is of simple single plank construction and has no sound proofing. Our continuing activities would generate noise nuisance for the household who would occupy it.

In addition, the planned dualling of the A9 will make the location particularly unsuitable for residential use. Major improvements are also planned for the station and, as it is a major line, construction work takes place between the hours of 11pm and 6am. It is impossible to stop the noise from these works and the platform construction sends the noise towards our houses. It has caused us to change bedrooms in the past due to the noise and will be unmanageable for anyone trying to live in the garage which is very much closer to it.

I do also wish to emphasise the importance of not setting a precedent in this matter. There have been 2 applications prior to this to develop garden ground in the Glen for residential use and there is a temptation for each household to cash in on this lucrative option. We collectively know that the infrastructure of the Glen cannot accommodate this and the collective restraint now shown by us all retains the unspoiled environment of the Glen. It is something which is not exclusive to Glen residents but appreciated very widely .

I sincerely hope that the planning legislation which has protected this area to date, for so many people, will continue to do so.

Regards

A black rectangular redaction box covers the signature of Trish Farey. The box is surrounded by a red border.

Trish Farey

DB

RECEIVED

05 JAN 2016

**Oakbank
Birnam Glen
PH8 0BW**

24/12/2015

Planning Department
Perth and Kinross Council
Pullar House
Kinnoul St
PERTH
PH1 5GD

Dear Sir, Application 15/02046/FLL

As a resident of upper Birnam Glen Rd. I wish to object to the above application for change of use and extension from garage to residential at Birnam Bank, Birnam Glen.

The application, to build a garage, was submitted by the doctors who owned and continue to own this property (although now as absent owners) approximately 23 years ago. They had the need to access their cars at all times of the year and hours of the day for emergency medical services.

They provided a personal assurance that the provision of the, larger than necessary, structure was not for future residential use but to enjoy a hobby and provide easy access to their vehicles.

The doctors had objected to an earlier residential planning application on ground which is included in the current application by the Doctors neighbor. They subsequently purchased the ground at non-residential value from the neighbor.

This application therefore seeks to gain financial benefit by converting, to residential use, the ground which was purchased at non-residential value and developed for non-residential purpose.

This application not only seeks to make financial benefit from backdoor planning permission but creates a precedent, for extensive development of the Glen, which cannot be accommodated.

Damage to Birnam Glen Road

Access to the site of the planning application is from a private road (Birnam Glen). Residents of Birnam Glen are responsible for the repair and maintenance of the road. It is already in a poor condition and has been patched in recent years. The delivery of materials and labour for a development would cause damage to the road and hasten the need for it to be re-laid. We do not wish to incur this expenditure and refuse to allow this use of the road.

Congestion Birnam Glen Road

Birnam Glen is a single track road which runs alongside and above the Inchewan burn. The stretch of road from the hairpin bend to the section under the A9 extends to 200 meters. It is steep, winding and has no passing places. It is bounded on one side by steep vegetation, which supports a footpath and the return of the road. The other side has a low wall, an old retaining wall, and a sheer drop to the Inchewan Burn. The drop from the road to the burn at points is five meters.

When cars meet, it is necessary for one car, usually the one travelling upwards, to reverse down the winding road. This is a difficult and dangerous maneuver and has generated many accidents. A neighbor, with many years' experience of Glen driving, reversed into the burn and had to be rescued with the use of lifting gear. Many cars have been damaged during bad weather.

As it is a private road, it is untreated in winter. It becomes extremely difficult to maneuver a car on the road, even with a four wheel drive facility. If a car has just turned round the hairpin on its downward journey, it is impossible to reverse upwards in icy weather. A car journeying upward must therefore reverse the entire length down to the A9 Bridge.

The use of the Glen road for deliveries of materials and labour will increase the likelihood of having to undertake this dangerous maneuver during the course of the construction contract. The occupants of a completed house would also increase the likelihood of this, by 10% on a permanent basis.

Water Pressure

2 houses in the Glen suffer from severe water pressure problems. An additional house would increase this problem and possibly extend it to new households.

Setting of a Listed Building and Conservation Status

The application site is located in an area of outstanding scenery, in a conservation area, on a road with listed buildings interspersed with others listed for their group value. It overlooks Heath Park / The Lodge, a listed building. The site is on the Birnam Circular Walk, which is enjoyed by many visitors and local residents.

Permission for this development would affect the setting of the listed building. The Conservation Area includes the setting of large and small Victorian houses, which are located in generous gardens. The scale of gardens is in harmony with the houses and the relationships between the buildings and the spaces created between them form an important element of their attractiveness.

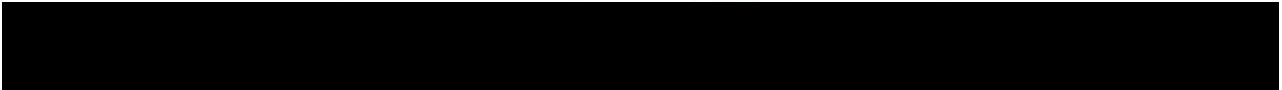
Precedent

With the exception of Birnam Bank Cottage, each of the 9 upper Birnam Glen houses have easy capacity for construction of a garage, for subsequent conversion to residential use within their gardens. Permission for residential development was turned down even before conservation status was granted in 1997. Permission for a residential unit at Elsey Cottage was turned down in 2008. Approval of this application would set a precedent for future development by other residents, leading to a severe loss of amenity and undermining the objective of the conservation area which is to preserve, retain or keep entire buildings and their surroundings.

Yours faithfully

A red rectangular stamp is placed over a blacked-out signature.

M. G. Mellor

A large black rectangular redaction box covers the address information.

RECEIVED

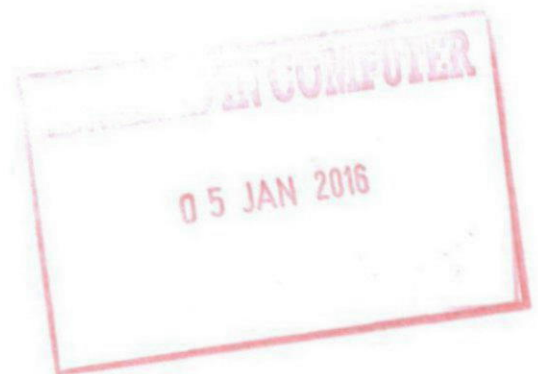
05 JAN 2016

Birnam Bank Cottage
Birnam Glen
Birnam
PH8 0BW

28th December 2015

Planning Department
Perth & Kinross Council
Pullar House
Kinnoul Street
PERTH
PH1 5GD

Dear Sir



**Application for change of use from Garage to Residential
Unit at Birnam Bank**

In addition to the collective letter, which, in combination with the individual letter from Mr M Thewlis of Elsey Cottage, now constitutes an objection from every Upper Glen household, I write to add some additional points of objection which are made from the perspective of Birnam Bank Cottage.

Impact:

Noise, property damage, pedestrian/road safety, disturbance

Objections:

The change of use from garage to residential use at Birnam Bank, and the application for the vehicle access point from the Glen road through the existing metal gate, would directly impact on Birnam Bank Cottage. The gate has a narrow entrance, which would cause any vehicle entering the new access, to execute a wide sweep. This action would encroach on the ground belonging to Birnam Bank Cottage, and could cause the possibility of damage to the property or the owner's cars, which are parked outside the front of the property. Due to the lack of additional ground belonging to Birnam Bank Cottage, we have no other option to park our cars there.

Pedestrian safety would also be compromised at this narrow point.

Two wheelie bins sit at the entrance of the narrow ginnell between Birnam Bank Cottage and Elsey Cottage. This would further reduce turning access.

Vehicle noise, engine revving and slamming car doors, plus light disturbance from car headlights, would be easily heard and seen in our living room and dining room, which sit at the front of the house.

Delivery of materials for the building works would damage the road, which is already in poor condition. The road is maintained by the residents of the Glen, and relaying due to damage caused, would be a major financial burden to the residents.

As the road is a single track, when two cars meet, it usually involves one of the cars reversing all the way back down to the rail bridge. Having lorries coming up and down the road

delivering materials and labour, would make travelling on the Glen road hazardous and dangerous at all times.

Converting the garage to a residential house seems to be obtaining permission by the back door. Previous planning applications have been refused, if this is approved, any number of planning permission could be applied for, which the Glen could not support.

Due to these points, we therefore object to the proposed development.

Regards

A black rectangular redaction box covers the signature. A pink, hand-drawn scribble is visible around the redacted area.

Ronald Stewart

Craigmore

Birnam Glen

Dunkeld

PH8 0BW

30th December 2015

Planning Department,
Perth & Kinross Council,
Pillar House,
Kinnoull Street,
Perth
PH1 5GD

Dear Sir/Madam,

re Application for change of use from garage to residential unit at Birnam Bank
Planning application reference Number: 15/02046/FLL

I am writing to object to the change of use from a garage to residential unit at Birnam Bank for the following reasons:

1. When planning permission was sought to build the garage at Birnam Bank potential objections to this were forestalled by the Binnies giving a commitment that this was not ever to be used as a residential unit, consequently nobody objected to their original application to build the garage. The Binnies purchased the land on which they built the garage at a non-residential rate in order to forestall future applications to build dwellings there.

2. Birnam Glen is a private road, the maintenance of which is the responsibility of all those with properties adjoining the road, including Perth & Kinross Council because of their ownership of the Beatrix Potter Garden. The road is in a parlous state of repair and cannot support the passage of heavy plant necessary for building such as would be required for the change of purpose and extension of the Birnam Bank garage. Previous planning applications to build on the upper Glen have been refused because the road cannot support traffic to further residential buildings. I understand that the Doctors Binnie objected on these grounds, and others, to previous planning applications during their residence in Birnam Bank, yet now they are absentee landlords they clearly no longer care about the state of the road or their neighbours who live in it.

3. Birnam Glen is an attractive Conservation area regularly visited by tourists and walkers on the Birnam Circular Walk route which contributes to the local economy and further building or development on the Glen would spoil its attraction.

4. Approval of this application would set a precedent for future development by other residents, or land owners, on the upper Glen. This would lead to a severe loss of amenity and undermine the objective of the conservation area.

It should be noted that I have not been formally advised in writing of this application and would wish to be advised of all future requests for planning permission.

Yours faithfully,

B. Williams.

DB.

RECEIVED

05 JAN 2016

The Coach House
Birnam Glen
Birnam
Perthshire
PH8 0BW

The Planning Department
Perth & Kinross Council
Kinnoull Street
PERTH
PH1 5GD

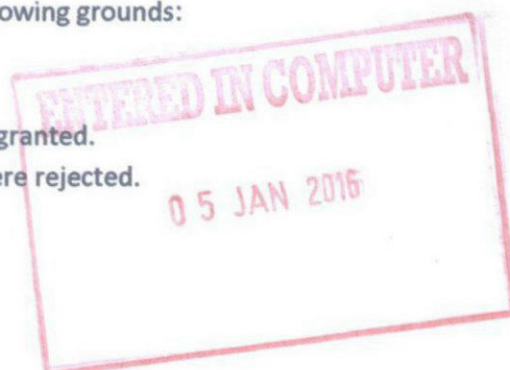
2 January 2016

Dear Sir

Planning Application No 15/02046/FLL
Birnam Bank, Birnam Glen, Birnam, Perthshire PH8 0BW

I write to object to the above planning application on the following grounds:

1. Conservation Area and Setting of a Listed Building
2. Grounds on which previous approval for garage was granted.
3. Previous applications for residential development were rejected.
4. Precedent approval would set
5. Water and Sewerage
6. Deterioration of Private Unadopted Road



1. Conversation Area and Setting of a Listed Building

The application is in contravention of the Council's own policy on Conservation Areas as further residential development is not compatible with the '*character and appearance of which it is desirable to preserve or enhance*'. It also seeks to bring development into the original walled garden of Heath Park, the adjoining house, a Grade B listed building, garden of international literary significance.

Following Beatrix Potter's stay at Heath Park in 1892 and documented in her published journal, the walled garden provided the inspiration for the Tale of Peter Rabbit written in 1893. Visitors to Birnam Glen, of which there are many including from international Beatrix Potter Societies, who enjoy the waymarked walk next to the garden, instead of seeing the walled garden still given over to vegetables, fruit trees and lawn, will be confronted with the scar of a modern driveway, the first intrusion into the garden since it was created in 1859 and the demolition of one of its boundary

walls. The original Grade B listing of Heath Park included the grounds of which the walled garden forms part.

2. Grounds on which the previous approval for the garage was granted

Planning permission for the garage was granted in 1991 prior to the granting of Conservation Area status in 1998. It was granted on the express basis that Birnam Bank was occupied by the local doctor whose case at the time was that he needed to be sure of safely accessing his car even in the worst weather.

As owner of the neighbouring property since 1991, the garage, has rarely been used for its alleged intended purpose. It has stood there, clearly the shell and proportions of a house until such time as its long intended purpose could be capitalised on by the now absentee owners. In the current planning application, we now see this time has come.

The granting of conservation area status needs to protect this area from further inappropriate and calculated residential development. Birnam Bank forms the first part of a unique row of four Victorian detached houses in their original grounds, two of which are listed Grade B and the other two originally listed for their group value. It is a row of houses retaining their original spacious grounds wonderfully sited without the intrusion of contrived infill development.

3. Previous applications for residential development were rejected.

There have been previous applications for residential development in the gardens of properties in Birnam Glen. These are from the previous owners of Heath Park in 1990 and at Elsey Cottage (opposite the walled garden) in 2009. Both were rejected. The most recent one at Elsey Cottage was rejected on three grounds, all of which, if the Council are to be consistent, equally apply to the current Birnam Bank application. As a planning authority, I look to the Council to act evenhandedly in its treatment of such applications and reject this by applying the same criteria.

4. Precedent approval would set

Approval of the Birnam Bank application would mean setting a precedent for further residential development in neighbouring gardens, all of which are large enough and lend themselves to easy vehicle access. It also opens up the prospect of further residential development in the walled garden itself. Both would place the Council in an invidious position of being powerless to hold back further applications and be culpable in destroying the very character they first deemed of such quality to justify designating a conservation area.

5. Water Pressure and Sewage

Birnam Bank and the neighbouring houses in Birnam Glen sit as the highest sited houses in the village. We regularly suffer from poor water pressure cutting out boilers and showers. Further residential development would exacerbate the situation. We have incidents of sewage backing up caused by the inadequacy of the drains for even the existing level of houses.

6. Deterioration of Private Unadopted Road

Birnam Bank is one of eleven properties in Birnam Glen above the railway bridge served by a narrow single track, steep and tortuous private unadopted road. On one side above the road is a steep embankment which drains hill water directly onto the road. This freezes in winter. On the other side, below the road is the Inchewan Burn with only a thin rubble stone retaining wall supporting the road above the burn. This is 15 foot high in places. There is also a 180 degree bend midway along the road which vehicles have difficulty negotiating. Vehicles have previously slid into the top of the retaining wall demolishing a section leaving road users with no protection from the drop into the burn.

The road is in a seriously deteriorating, perilous state. The surface for most of its length has been badly affected even in normal use by cars. It has lost its top wearing course in critical locations, has no drainage crown and is deeply rutted. This is compounded by any unnecessary extra traffic. Such extra traffic would inevitably flow from approving the application and the road would become even more seriously compromised from later residential developments inevitably flowing from approving this current one.

In summary, there are many valid reasons for rejecting the application. I'm aware other residents of Birnam Glen have written objecting. No other residents support the application. I urge the Council to act consistently with their treatment of the 2009 Elsey Cottage application by rejecting this Birnam Bank one too. This will protect the character of the conservation area and prevent the back door being opened up to consequent full scale residential development of the walled garden and the large gardens of other properties in Birnam Glen too.

Yours faithfully,

A black rectangular box redacting the signature of Mark Farey.

Mark Farey

DB

RECEIVED
05 JAN 2016

Tigh-na-Beithe,
Birnam Glen,
Birnam,
Dunkeld,
Perthshire,
PH8 0BW.

[Redacted]

Saturday, 2 January 2016

Planning Department,
Perth & Kinross Council,
Pillar House,
Kinnoull Street,
Perth
PH1 5GD

ENTERED IN COMPUTER
05 JAN 2016

Dear Sir/Madam,

re Application for change of use from garage to residential unit at Birnam Bank
Planning application reference Number: 15/02046/FLL

We are writing to object to the change of use from a garage to residential unit at Birnam Bank for the following reasons:

1. When planning permission was sought to build the garage at Birnam Bank potential objections to this were forestalled by the Binnies giving a commitment that this was not ever to be used as a residential unit, consequently nobody objected to their original application to build the garage. The Binnies purchased the land on which they built the garage at a non-residential rate in order to forestall future applications to build dwellings there.
2. Birnam Glen is a private road, the maintenance of which is the responsibility of all those with properties adjoining the road, including Perth & Kinross Council because of their ownership of the Beatrix Potter Garden. The road is in a parlous state of repair and cannot support the passage of heavy plant necessary for building such as would be required for the change of purpose and extension of the Birnam Bank garage. Previous planning applications to build on the upper Glen have been refused because the road cannot support traffic to further residential buildings. I understand that the Doctors Binnie objected on these grounds, and others, to previous planning applications during their residence in Birnam Bank, yet now they are absentee landlords they clearly no longer care about the state of the road or their neighbours who live in it.
3. Our house, and Craigbeithe, Birnam Glen, suffer from severe water pressure problems and an additional residential unit would exacerbate this problem, and probably extend it to other households up the Glen.
4. Birnam Glen is an attractive Conservation area regularly visited by tourists and walkers on the Birnam Circular Walk route which contributes to the local economy and further building or development on the Glen would spoil its attraction.
5. Approval of this application would set a precedent for future development by other residents, or land owners, on the upper Glen. This would lead to a severe loss of amenity and undermine the objective of the conservation area which is to preserve, retain or keep entire buildings and their surroundings.

Thank you for your help in this matter,

Yours faithfully,

[Redacted signature block]

Erica and Graham Robb

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/02046/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Change of use and extension to garage to form dwellinghouse		
Address of site	Former Garage At Birnam Bank Birnam for Mr And Mrs D Binnie		
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>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Royal School of Dunkeld Primary School.</p> <p>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</p> <p><u>Total:</u> £0</p>		
Recommended informative(s) for applicant			
Date comments returned	06 January 2016		

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	PK15/02046/FLL	Our ref	LJ
Date	6 January 2016	Tel No	(4)75248

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK15/02046/FLL RE: Change of use and extension to garage to form dwellinghouse Former Garage At Birnam Bank Birnam for Mr And Mrs D Binnie

I refer to your letter dated 1 October 2013 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 09/10/2013)

Recommendation

The application is for the change of use of a residential garage to a dwellinghouse. With its use a residential garage it is unlikely that there would be any contamination issues which would impact the suitability of the building for the proposed use of a dwellinghouse. In addition a search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.



DB

Craigbeithe
Birnam Glen,
DUNKELD,
Perthshire.
PH8 OBW.



Planning Department,
Perth & Kinross Council,
Pullar House,
35 Kinnoull Street,
PERTH.
PH1 5GD.



Dear Sir/Madam,

Re: Application for Change of Use from Garage to Residential Unit at Birnam Bank
Planning Application Ref No: 15/02046/FLL

I am writing to object to the change of use from a garage to residential unit at Birnam Bank for the undernoted reasons:-

1. Birnam Glen is a private road, the maintenance of which is the responsibility of all those with properties adjoining the road. The road is in a poor state of repair and cannot support the heavy plant and machinery that would be required for the construction work. This road is built right up against the Inchewan Burn. Any heavy goods vehicles could endanger collapse of the retaining wall support. Any damage therefore would have to be underwritten by the proposed developer.
2. Birnam Glen is in a Conservation area regularly used by tourists and walkers and further residential development would spoil its attraction.
3. Approval of this application would set a precedent for future residential development by other residents or land owners on the Glen. Any further development should be restricted to amenity buildings such as conservatories, garage or outside office accommodation.
4. It is proposed that the A9 will be converted to dual carriageway. Accommodation works involving an upgrading of Birnam Glen may well alleviate problems with the burn and access bends. I propose therefore that any Planning Application should be postponed until the exact delineation of the A9 has been established.



Thank you for your attention.

Yours faithfully,




Rosemary Preston.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	15/02046/FLL	Comments provided by	Niall Moran
Service/Section	Transport Planning	Contact Details	██████
Description of Proposal	Change of use and extension to garage to form dwellinghouse		
Address of site	Former Garage At Birnam Bank Birnam		
Comments on the proposal	<p>The proposed change of use from the existing garage to a dwellinghouse will result in additional vehicle trips generated that would have to utilise the existing private access serving a number of houses in the vicinity of the development site.</p> <p>This private access road is in relatively poor condition, narrow and with difficult geometry and gradients along its length. Having visited the site, there appears to be little scope to improve the road geometrically or widen it to provide suitable passing places due to the physical limitations imposed by the retaining wall and banking. Due to these issues, I feel that it would not appropriate to allow an intensification of its current use. I note that this is consistent with previous assessments undertaken for applications on nearby sites.</p> <div style="display: flex; justify-content: space-around;">   </div> <p>Therefore, insofar as roads matters are concerned I object to the development for reasons of insufficient provision with regard to access and in the interests of pedestrian and traffic safety.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	20 January 2016		

Tigh-na-Beithe,
Birnam Glen,
Birnam,
Dunkeld,
Perthshire,
PH8 0BW.



Ms. G.A. Taylor,
Clerk to the Local Review Body,
The Atrium,
137 Glover Street,
Perth,
PH2 0LQ

Dear Ms. Taylor,

PLANNING APPLICATION REFERENCE: 15/02046/FLL

It is with sadness I note the Binnies' lack of consideration and concern for the wishes of the community (see minutes of Community Council dated 11th January 2016) that they were so much part of, and for those of their erstwhile neighbours and friends, in persisting with the above planning application by lodging an appeal despite the well-argued and realistic objections made by those of us still living in the area.

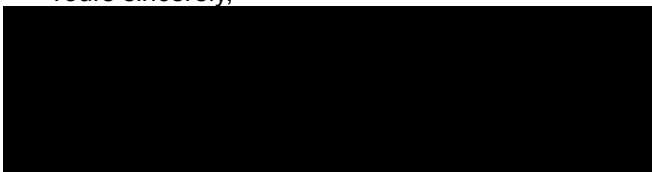
In response to their appeal I would make the following points:

1. I do not understand why the circumstances of Kirsty Binnie, who lives and works in London as a teacher, should form any part of the planning application, since the application is about the building and the land on which the building sits, and the effects and ramifications of any decision made about it will stand for a future well beyond the lives of the Binnies and their offspring. If Ms. Binnie wishes to move to work as a teacher in Perth and Kinross, there are enough teacher-affordable appropriate properties available within the area of Birnam and Dunkeld and its surroundings without any need to add to the number of residential properties in Birnam Glen. Unless Ms. Binnie gains a post at Dunkeld Primary School, she will be obliged to commute a considerable distance and will find this difficult without a car, particularly now that the bus route has been cut.
2. It is naive to suggest that a house the size of that proposed in this planning application will not significantly add to the wear and tear on Birnam Glen, it will generate an increase in regular traffic of about 10%, and any building work, regardless of how insignificant, involves a considerable increase in other traffic, much of which will be transporting material and equipment and will be significantly larger and heavier than normal traffic. The state of the road and the potential intensification of use is a clear and well-argued reason for refusal of the application, particularly because it is not in the interests of

pedestrian and traffic safety. Birnam Glen is an important part of the tourism industry in the village, offering access to the larger countryside on foot or bicycle for visitors and locals alike, and their safety is paramount.

3. I do not understand the need to quote sales particulars for our house in appealing the planning refusal. Of course the description in it mirrors the assessment of any visitor/surveyor coming to Birnam Glen because it is realistic, but how this is relevant in this context escapes me. Our house does have space for parking a limited number of cars beside it, but then so does every house in Birnam Glen, and all of us have visitors and deliveries, as will the new dwelling-house in the garage, see section 2 of this letter. To suggest that whoever lives in the proposed new dwelling in future will always be a walker and not a driver, and not have any visitors in cars is ludicrous, otherwise why have space for three cars beside the proposed property. Sales particulars are not about sustainable development, they are merely a description of the property for sale and its environment as they stand, they certainly do not support any attempt to change this.
4. The appeal letter states that the proposed dwelling will contribute to sustainable development. How? It is clear that in terms of the road it is not sustainable, and accepting this proposal leads to the opening of opportunities for every house owner living in Birnam Glen to develop properties in their gardens. The Binnies purchased the walled garden following the PKC Planning Department's refusal to allow the construction of dwelling houses in it. The Binnies clearly benefited from this Planning Department decision as it allowed them to purchase the land at non-residential rates. At that time the Planning Department had refused the application to build residential units on the basis that this would not be a sustainable development, and that any precedent for the development of further dwellings in Birnam Glen would not be in the local community's interest. Although of course each individual planning application should be determined on its own merits, it is again naive to suggest that precedent is not taken into account in the assessment of planning applications.
5. The tenor of the Binnie's appeal suggests that the planning authority has not carried out the assessment of their planning application properly, implying that the Planning Department's decision is improperly based on the subjective opinions of its staff and those who have submitted information to it. This process is not a scientific experiment and the rules of complete objectivity are never met in this context, but the planning authority has carried out the process of assessment according to statutory requirements, and the staff who work for them are experienced and trained to report on the basis of that training and experience without personal bias.

Yours sincerely,

A large black rectangular box redacting the signature of Erica Robb.

Erica Robb

Paige Crighton

From: Williams, Beverley [REDACTED]
Sent: 29 May 2016 13:54
To: CHX Planning Local Review Body - Generic Email Account
Subject: FW: TCP/11/16(409)
Attachments: ufm39.rtf

Dear Ms Taylor,

Further to your e-mail below, I wish to restate our objections to both the original application and subsequent appeal as number above. Please refer to my previous letter of objection for detail.

It is unthinkable that a residential development would be allowed so close to the railway line and the proposed A9 dual carriage way, noting the plans being considered by the authorities. Birnam Glen is located within ancient woodland, within a conservation area with very limited vehicular access, services and accessibility. Irrespective of the intentions of the absent landlord and his daughter, this development serves no purpose in enhancing the glen, nor providing accessible affordable housing for locals.

Please lodge this on behalf of Craigmore House and Craigmore Cottage.

Best wishes,

Beverley and Mark Williams
Craigmore
Birnam Glen
Dunkeld
PH8 0BW



**HEATH PARK
BIRNAM GLEN
BIRNAM
PH8 OBW**

28 May 2016

Ms G A Taylor
Clerk to the Local Review Body
Perth and Kinross Local Review Body
The Atrium
137 Glover Street
Perth
PH2 0LQ

Dear Ms Taylor

Application Reference 15/02046/FLL

Further to your letter of 18 May, I am pleased to note that you will make my original representation available to the Review Body, as it took some time to compile and all my comments still stand.

However I have some additional points that I wish to make in response to:

- New information
- The letter of support by Drs Binnie
- The Notice of Review

2 Key pieces of information have become available since the decision of the original application:

1. Minutes of Community Council dated 11 January 2016

I understand that their minutes were not made available in time for consideration at the time of the original application, although the meeting took place prior to the decision. The meeting minutes state:

Residents of Birnam Glen were given the opportunity to address the CC with their concerns on the proposed application.

On a vote of 5-3 it was agreed to send a letter of objection to PKC Planning. The objection would focus on the unsuitable access road and also express concerns of water pressure and visuals.

This application therefore now has the opposition of all residents in The Glen, the planning department and the Community.

2. Employment prospects of Kirsty Binnie

Kirsty Binnie has been working in London for approximately 4 years and has just been offered a 5 year post, also in London. She has during this time been comfortably accommodated in a large family-owned house, in central London with other family members.

Much attention is given to Kirsty's personal situation. However planning permission runs with the land and this illustrates the danger of awarding it to a person. It is particularly important that it is not awarded in respect of a person, when a case is set out for someone in difficult personal circumstances, and the reality is that this is not the case.

In response to the Binnies letter of support for their application, I have the following points to make:

- Drs Binnie have omitted to point out that they purchased the land for £3,000, benefitting from the discounted value of the walled garden, following their active support to oppose residential development on the site by others. They now seek to support residential development, which personally benefits them.
- The gates to the walled garden have only been used on rare occasions in the last 25 years. When they were in active use in Victorian times, they would have been used by horse and cart. The intrusion of vehicles on the 2 Glen houses, which are in very close proximity to the gates, would by contrast be significant. The Glen road is a narrow single track road with no pavement; headlights would create significant light pollution in addition to the noise pollution of car and van engines.
- Trip generation would not be minimal. Whilst Kirsty may not own a car at present, this is irrelevant. She is settled in London and, as outlined above, the planning permission will run with the land. The occupant might well own several cars and would have visitors, deliveries, meter readings and the like.
- Trip generation, particularly when the proposed new road and wall changes were in progress, would require deliveries of heavy materials via heavy plant. This would damage a private road which is already in a poor condition and heavily patched.
- Trip generation would also not be minimal once a precedent was set for infill garage- cum-house development. As outlined in my original letter, it is the collective restraint which has enabled the road to remain functioning and retain the amenity of the area for a wide range of people. Once infill is established, all houses (with the exception of one) have capacity for at least one garage-cum-house and many have the capacity for several. I do not understand the case regarding the irrelevance of precedent, as it is clearly the case that if this

conversion from garage to dwelling is permitted, the floodgates will open to convert garden ground to plots.

- We were led to believe that the location for the garage was chosen specifically to avoid the impact of noise from DIY and cars and because it was a suitable location for a garage, adjacent to our own garage at Heath Park.
- Similarly the need for services was due to DIY, as Dr Binnie used power tools. As outlined in my original representation, we also use power tools at Heath Park, immediately adjacent to the Binnie's garage, making it quite unsuitable for residential use.
- There is no precedent for change of use of garages/outbuildings to dwellings. Both these buildings referred to (Pkc ref 87/00/158 and 94/01590) were already in use for residential purposes by domestic staff (who initially looked after horses and carriages below their accommodation and later cars).

In response to the Notice of review, I have the following comments to make:

- This application is claimed to create an 'Affordable single dwelling for Kirsty Binnie, who is a teacher and who could not afford to buy a property in the settlement of Birnam and Dunkeld'. Not only is Kirsty well settled in London, with London pay scales (and presumably without London rents), she is a member of an affluent family which owns several properties.
- This is not a development which contributes to sustainable development. It will significantly bring forward the need to resurface the road due to construction traffic and due to increased vehicle use on a road which is already in a very poor condition. It will also increase the instances of the dangerous manoeuvres which I described in my original representation and increase noise and light pollution for existing residents.
- This development does impact on the appearance, character and setting of buildings in the Glen, bringing additional vehicular use to a road on the Birnam Circular Walk which has no pavements and creating infill development which detracts from the unspoilt appeal of the area. One of the reasons for the conservation area designation was that it remained unaltered from completion of the last house in 1899. It is a unique set of buildings which is widely appreciated.
- I do not understand the comment regarding terminology re garage/former garage. The road is private, although is of interest to the council, as it is a widely used tourist route for walking cycling and running events as well as leisure. A new household would bring the certainty that there will be an uplift in vehicle use and I do not understand any suggestion otherwise.
- The reference to house sale particulars is also puzzling. I would not expect sales particulars to point out the less saleable aspects of a house such as an access road in poor condition and without passing places or with access difficulties. It is true that Tigh na Beith has

curtilage parking but fail to see a connection between curtilage parking and an application to convert a garage to a house.

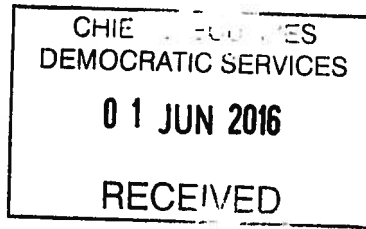
- The proposal that an additional household will not have a detrimental impact on water pressure in the glen is disingenuous. Several households already experience difficulties and to suggest that a new house would not impact is quite unrealistic.

Kirsty does not live in Birnam and Kirsty's family are affluent absentee landlords with many properties. They are able to assist her ownership ambitions in ways which do not need to require this change of use eg by no longer letting Birnam Bank and selling it to her for use as a holiday home. Alternatively a search of Rightmove today identified a flat for sale in the centre of Dunkeld in the sum of £59,950 and several others below £100,00 all of which are very comfortably manageable on a teacher's salary.

Yours sincerely

A large black rectangular redaction box covering the signature of Trish Farey.

Trish Farey



Craigbeithe
Birnam Glen,
DUNKELD,
Perthshire.
PH8 OBW.

31st May 2016

Perth & Kinross Council,
Local Review Body,
The Atrium,
137 Glover Street,
PERTH.
PH2 OLG.

Your Ref TCP/11/16(409)

Dear Sir/Madam,

Re: Change of Use from Garage to Residential Unit at Birnam Bank
Planning Application Ref No: 15/02046/FLL Mr & Mrs & Miss Binnie

Further to your letter of the 18th May I am disappointed to note the applicant now seeks a review of the decision made by the Perth & Kinross Planning Authority.

As stated in my previous letter of objection the following statements remain an issue.

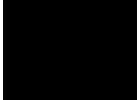
1. Birnam Glen is a private road, the maintenance of which is the responsibility of all those with properties adjoining the road. The road is in a poor state of repair and cannot support the heavy plant and machinery that would be required for the construction work. This road is built right up against the Inchewan Burn. Any heavy goods vehicles could endanger collapse of the retaining wall support. Any damage therefore would have to be underwritten by the proposed developer.
2. Birnam Glen is in a Conservation area regularly used by tourists and walkers and further residential development would spoil its attraction.
3. Approval of this application would set a precedent for future residential development by other residents or land owners on the Glen. Any further development should be restricted to amenity buildings such as conservatories, garage or outside office accommodation.
4. It is proposed that the A9 will be converted to dual carriageway. Accommodation works involving an upgrading of Birnam Glen may well alleviate problems with the burn and access bends. I propose therefore that any Planning Application should be postponed until the exact delineation of the A9 has been established.

The proposed development as a separate dwelling house with a separate access sets an unwelcome precedent and opens the floodgates to others for future separate development of properties in their large gardens. This would undermine the objective of the conservation area which is to preserve, retain or keep entire buildings and their surroundings.

I understand planning permission relates to land and not to individuals. In this case I believe Miss Binnie lives and works in London and has done so for a few years. I also understand Miss Binnie is currently working under a new contract in London.

Any change of use consent from garage to a dwelling house should be conditional on the converted property being tied to the existing house all remaining as a unum quid, not be split on any future sale, with the existing main house access remaining the sole access to the whole property. This will conserve the amenity of the area and the preservation of the existing listed walled garden.

Yours faithfully,

A black rectangular box redacting the signature of Rosemary Preston.

Rosemary Preston.

22/06/2016

Gillian Taylor
The Clerk
Perth & Kinross Local Review Body
The Atrium
137 Glover Street
Perth
PH2 0LQ

Our Ref.: 2016021P – Birnam Bank

Your Ref.: 15/02046/FLL

By email to Planninglr@pkc.gov.uk and post

Dear Ms Taylor

Request to Perth & Kinross Local Review Body to review refusal of planning application reference 15/02046/FLL – Change of Use and Extension to garage to form dwellinghouse, former garage at Birnam Bank

On behalf of our clients, Doctors Binnie and Kirsty Binnie, we would like to take the opportunity afforded to us to respond to the representations which the Local Review Body has received from interested parties following our request for a review.

Having reviewed the representations received DM Hall Planning and Development, on behalf of our clients, would ask that the Local Review Body sets aside these representations and that they do not form part of the review of the planning application which will be undertaken.

We are asking that they be set aside as, due to their content, the majority of which is nothing more than personal attacks on our clients and conjecture on the parts of the authors, they in no way can be considered worthy of being considered, and are certainly not 'material' to the determination of the review.

Not anywhere within the letters of representation submitted can we find any reference to Perth & Kinross Council local planning policy, upon which decisions on planning applications are based. Also the comments made in reference to the road are not supported, in any way, by any expert evidence.

DM Hall Planning and Development considers that we have, within our documentation, sought to justify the proposed development in terms of the potential impact upon the character of the Conservation Area and, after expert advice, on the road leading to the property. Also, we have raised the issue of whether the Council, on the basis of the road being private, has any jurisdiction over this matter, and whether therefore an application can be refused on the grounds of the impact on the road leading to Birnam Bank.

The representations made to the Local Review Body are in stark contrast to the robust, thorough and evidence based Statement of Reasons seeking review which is before members of the Local Review Body.

Whilst we do not feel that the representations to Local Review Body should be given any weight in the deliberations, our client Kirsty Binnie has prepared a letter which rebuts the more personal comments set out within the representations and which 'put her side of the story' to Members attention.



DM Hall LLP, a Limited Liability Partnership registered in Scotland with Registration number SO301144
Registered office, 17 Corstorphine Road, Edinburgh, EH12 6DD.

A full list of members can be obtained from the Head Office, 17 Corstorphine Road, Edinburgh, EH12 6DD. Tel: 0131 477 6006. Fax: 0131 625 6304.

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A copy of Kirsty's letter is attached to this.

We hope that the Members of the Local Review Body are, after reviewing all the evidence brought to them, able to find in our clients favour in this matter.

Yours sincerely



James Reilly MRTPI
Head of Planning
On behalf of DM Hall LLP

Encl

87 Wyatt Park Road
London
SW2 3TW

22nd June 2016

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

Dear Sir,

Change of use and extension of garage to form dwelling house at Birnam Bank, Birnam

I am writing with respect to representations made to the above planning appeal. I understand the concerns raised and take them very seriously. Birnam Glen has a strong sense of community and having grown up in the Glen it is something I wish to protect. I have asked Baird Lumsden to address the technical objections raised in the representations made to the committee.

In a number of the representations passionate personal points have been raised and I wish to address this points.

As I have mentioned I am a key worker and have been independent of my family since I qualified and started working as a teacher. I do currently live in a house that is owned by my extended family and I pay rent to live in this house. My personal housing circumstances are about to change as this house is being sold.

As mentioned I teach in an inner city school and on a nationally agreed pay scale. I can't afford to live long term in Inner London. This is one of the many factors behind my wish to return home to live in Birnam Glen.

In a number of the representations reference was made to terms of employment. The primary school I currently work for is a Lambeth Council Community School and it is standard practise for teachers to have a permanent contract with a three month notice period.

Though limited housing is available in the wider Dunkeld area, it is my wish to return to Birnam Glen and I can't do this without building an affordable home.

I have gain sufficient experience in teaching while working in a number of very deprived schools in London. It is my wish to bring this experience back to Perth and Kinross and re-join the unique community that I was brought up in and to add to its future success.

Working with in the local community is very important to me and this is why I am looking to create a small dwelling that is largely within the footprint of the existing building and in keeping in the local area.

Yours sincerely,

Kirsty Binnie

