

TCP/11/16(476) – 16/01865/FLL – Formation of access road on land 60 metres East of Kinwreaton, Brucefield Road, Blairgowrie

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**TCP/11/16(476) – 16/01865/FLL – Formation of access road
on land 60 metres East of Kinwreaton, Brucefield Road,
Blairgowrie**

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

Reasons for seeking review

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

Review procedure

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

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

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

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

The decision notice's assertion that this is a "new access" and "would have an adverse impact on the residential amenity and the existing character of the local area." Also, the previous appeal decision findings for adjacent site and the consequent removal of the hedge to the NW.

Site inspection

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

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

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

None

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.

The applicant, Bruce Thomson, contests that this refusal is entirely policy-based and takes no account of the history of the access or an appeal report for an adjacent new vehicular access. He therefore considers the 'reason for refusal' untenable based on the following justifications.

a) The decision notice, dated 15.03.2017, states *"the development which will be accessed from the new access, the proposal would have an adverse impact on the residential amenity and the existing character of the local area."* This is not a new vehicular access off Brucefield Road as it is clearly indicated on the attached OS sheet from 1901. This existing access predates any residential amenity and character in this area therefore cannot have an adverse impact on those, hence the 'reason for refusal' is flawed.

b) In approving the adjacent consent 13/00356/FLL the council has set a precedent for accepting compromised visibility splays. GS Brown has now removed a 10m length of the existing hedge to form their access, and can only achieve 2x11.5m splays. See attached photographs.

c) The attached planning appeal reference PPA-340-2050 section 5, dated 21.04.2011, for the adjacent site access, addresses the issue of limited visibility splays to the new vehicular access and states that *"all these shortcomings are long-established parts of the baseline position. The small percentage increase in use cannot justify refusal on road safety grounds. Roads officials concur."*

d) Regarding the long-established shortcomings of Brucefield Road, prior to its adoption in 2016, the 'Amendments to List of Public Roads' report to the 'Enterprise & Infrastructure Committee' of the 9th September 2015, stated that *"the roads detailed in the attached schedule have been completed to the required standards."* By inference therefore the subject of this review, the existing vehicular access, complies with required standards.

e) Regarding Mr Baxter's 'Delegated Report' dated 14.03.2017 we challenge many of his statements. Please see the attached document 'Delegated Report Critique'.

f) The determination took no account of revised drawing 665L03C dated 14.12.2016, prior to determination, which Transport Planning agreed answered much of their consultation response.

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.

Referencing the points above;

- a) OS sheet from 1901 indicating access is existing which is contrary to the reason for refusal.
- b) Photographs of existing adjacent hedge removed after application submitted.
- c) Relevant planning appeal PPA-340-2050 not referred to in Delegated Report.
- d) Amendments to List of Public Roads report not considered in the determination.
- e) Delegated Report Critique as delegated report not available prior to determination.
- f) Several issues contained in Millard Consulting's attached report.

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.

- a) OS sheet from 1901
- b) Photographs of existing 665L07C
- c) Planning appeal report PPA-340-2050
- d) Amendments to List of Public Roads report
- e) Delegated Report Critique
- f) Revised drawing 665L03C dated 14.12.2016
- g) Millard Consulting report and attachments
- h) Preapplication 14/00709/PREAPP response email

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

14 June 2017

DELEGATED REPORT CRITIQUE

26 May 2017

This document has been prepared for inclusion in the submission to PKC Local Review Body in relation to the refusal of planning application 16/01865/FLL.

The applicant, Bruce Thomson, does not concur with the following assertions made in Mr Baxter's delegated report for the above application;

1. In the 'summary' and throughout it is stated that the application is *"for the formation of a new access."* This is incorrect as the access is historic and clearly indicated on OS mapping dating back to 1901.
2. In the 'site history' section there is no mention of the recent planning application 10/01598/FLL which includes the formation of an adjacent vehicular to the NW which was refused and overturned on appeal, which stated *"Many properties nearby have negligible visibility at their accesses. This is because nearly all have mature frontage hedges, contributing to the pleasing character of the locale. The drive entrance would have well above average visibility to its south. This is because of the adjacent agricultural access. I agree that the new access would not be ideal if the frontage hedge is retained. This is a price worth paying for the survival of the hedge. The only way of negotiating Brucefield Road is at a snail's pace. This is due to its single width, the paucity of passing opportunities, the multiplicity of blind accesses, its alignment and its poor junction visibility at either end. All these shortcomings are long-established parts of the baseline position. The small percentage increase in use cannot justify refusal on road safety grounds. Roads officials concur."* This information is incredibly pertinent to the determination of application 16/01865/FLL.
3. The 'site history' also states *"the existing consents currently have alternative vehicular access arrangements which do not involve Brucefield Road."* No reference is made to the fact that, at the time of the existing consent, Brucefield Road was not an option for access as it was a private road and the consent of the owners was not available. Also, the alternative vehicular access arrangements are impractical, involving driving out the Welton Road through the industrial estate to the Welton Farm, some 2.5km from the Wellmeadow, and then up a rough farm track for a further kilometre. This has a serious detrimental effect on the viability and amenity of the consented housing development.
4. Under 'pre-application consultation' Mr Baxter states that 14/00709/PREAPP *"highlighted potential issues with the alternative access."* There is no mention that in response to the pre-application John Thomson of PKC Roads stated *"if as is being purported, Brucefield Road is to become a Public road by being added to the List of Public Roads then Brucefield Road will be managed on a greater public benefit basis and as such I do not consider that forming a new access to service the proposed 4 dwellings would be an issue. The road is acknowledged as narrow with entranceways being used as passing places therefore it is self-policing regards speed. Traffic volumes are not great and as such I don't think capacity is an issue."*

5. Under 'transport planning' there is no mention that Niall Moran Transport Planning Officer agreed to accept reduced visibility splay of 2x25m as he considered that, although Brucefield Road is a 30mph limit, due to the roads restrictions traffic speed would be likely 20mph.
6. Under 'policy appraisal' Mr Baxter states *"I consider the proposal to be contrary to these policies as it would create a new access."* It is not a new access. The application is to permit the use of the existing access to service the previously consented residential site.
7. Under 'residential amenity' he states *"I have no issues in terms of the impact on residential amenity."* However, in the 'decision notice reason for refusal' he states *"the proposal would have an adverse impact on the residential amenity."* Blatantly contradictory!
8. In 'visual amenity' Mr Baxter states *"proposal is unlikely to have a significant adverse impact on the visual amenity of the area"* while again the 'decision notice reason for refusal' contradicts this stating *"the proposal would have an adverse impact the existing character of the local area."*
9. In the section 'roads and access' there is mention of issues with passing places, road widths and emergency vehicle access. This takes no cognisance of the revised road layout submitted to the planning department and accepted by roads and transports some months prior to the delegated report. Also, it still refers to the 30mph visibility splays of 2.4x46m when Niall Moran Transport Planning Officer had agreed to accept reduced visibility splay of 2x25m. The concern raised about access to housing site H62 could be dealt with in the same manner of the original consent 12/00678/FLL for Mr Thomson's residential site. That required the installation of bollards to prevent vehicular access beyond the site.
10. Finally the delegated report appears to take no cognisance of Mr Darge's email to Mr Baxter dated 16.01.2016 which is attached below.

Gordon Darge B.Arch.(Hons.) Dip.Arch. RIAS
MAK architecture
32 Leslie Street
Blairgowrie
PH10 6AH
gordon@MAKarchitecture.com
01250 876460 & 07801 010015

From: Gordon Darge [mailto:Gordon@makarchitecture.com]
Sent: 16 January 2017 15:49
To: Andy Baxter
Cc: Niall Moran; Bruce Thomson
Subject: RE: Formation of access road at Land 60m East of Kinwreaton, Brucefield Road

Hi Andy,

Further to your email below and my message on your voicemail, I confirm that it is not our intention to withdraw the application and we wish it to be determined. I thought I would take the opportunity to put in writing the applicants arguments for consideration in support of this application.

1. Existing access

The private vehicular access that is the subject of this planning application is an existing vehicular access. Just like most of the other existing vehicular accesses off Brucefield Road the sightlines are compromised due to the existing high mature hedges. Brucefield Road was adopted in the spring of 2016. This indicates that PKC accepted the compromised sightlines to these existing drives including the drive which is the subject to this application. Indeed PKC stated in the Amendments to List of Public Roads report to the Enterprise & Infrastructure Committee of the 9th September 2015, that “the roads detailed in the attached schedule have been completed to the required standards.” Why would PKC now change their position and not permit my client’s drive to be used for access?

2. Mitigation

Brian Milne in the PKC Roads Blairgowrie Area Office visited the site on the 21st December and reported that “visibilities can be achieved by lowering the height of the hedges either side of the access and trimming the front of the Beech on the north side. I know that these hedges are not under the control of your client.” As one of the hedges is owned by one of the objectors to the planning application it is highly unlikely that my client could negotiate with this neighbour any alterations to their existing hedge.

Given that this is an existing vehicular access and was accepted by PKC when they adopted Brucefield Road, any alterations to the hedges should not be a prerequisite to gaining planning permission and certainly not be a consent condition.

However, my client has offered to install two convex stainless steel mirrors, mounted on posts in the opposite verge, facing either way, up and down Brucefield Road, to mitigate any danger from vehicle egress from the development. Your colleague Niall Moran has stated that PKC do not permit the use of convex mirrors despite their use, extensively throughout Perthshire, for this very purpose. Given that this is an existing drive the use of these mirrors represents the pragmatic solution to mitigate possible vehicle egress safety issues. If need be this could be a planning condition so it would be maintained as part of the joint access agreement on the new private road and could be added to the titles of the new properties.

3. Extent of risk

Niall Moran has indicated that he is prepared to reduce the requirement for sight lines on the basis that he considers traffic will not be travelling at 30mph. He considers that visibility splays for 20mph will be adequate for Brucefield Road i.e. 2m x 25m. Indeed traffic gingerly creeps along Brucefield Road due to its single track narrow width of 3.5m, no passing places and blind drives, all accepted by PKC as “completed to the required standards” in the adoption in 2016. Having asked a couple of the neighbours, I am unaware of any accidents occurring from vehicles egressing from drives onto Brucefield Road and this development of 4 dwellings will not significantly alter this minimal risk.

4. Planning blight

As you will be aware this site has a long planning history. Back in early 2007 two dwellings were approved under application 06/02680/FUL and in early 2009 two dwellings were approved under application 08/02177/FUL. Both these consents were renewed by applications 12/00678/FLL and 14/00247/FLL. All these applications predate the adoption of Brucefield Road and hence neither the original applicant or my client, the current applicant, were able to utilise Brucefield Road for access.

However on the 14th of October 2014 on behalf of my client I made the attached preapplication enquiry 14/00709/PREAPP, enquiring as to the possibility of utilising Brucefield Road for access if it were adopted. John Thomson of PKC Roads responded “if as is being purported, Brucefield Road is to become a Public road by being added to the List of Public Roads then Brucefield Road will be managed on a greater public benefit basis and as such I do not consider that forming a new access to service the proposed 4 dwellings would be an issue. The road is acknowledged as narrow with entranceways being used as passing places therefore it is self-policing regards speed. Traffic volumes are not great and as such I don’t think capacity is an issue.” There was no mention of any problem with existing visibility splays.

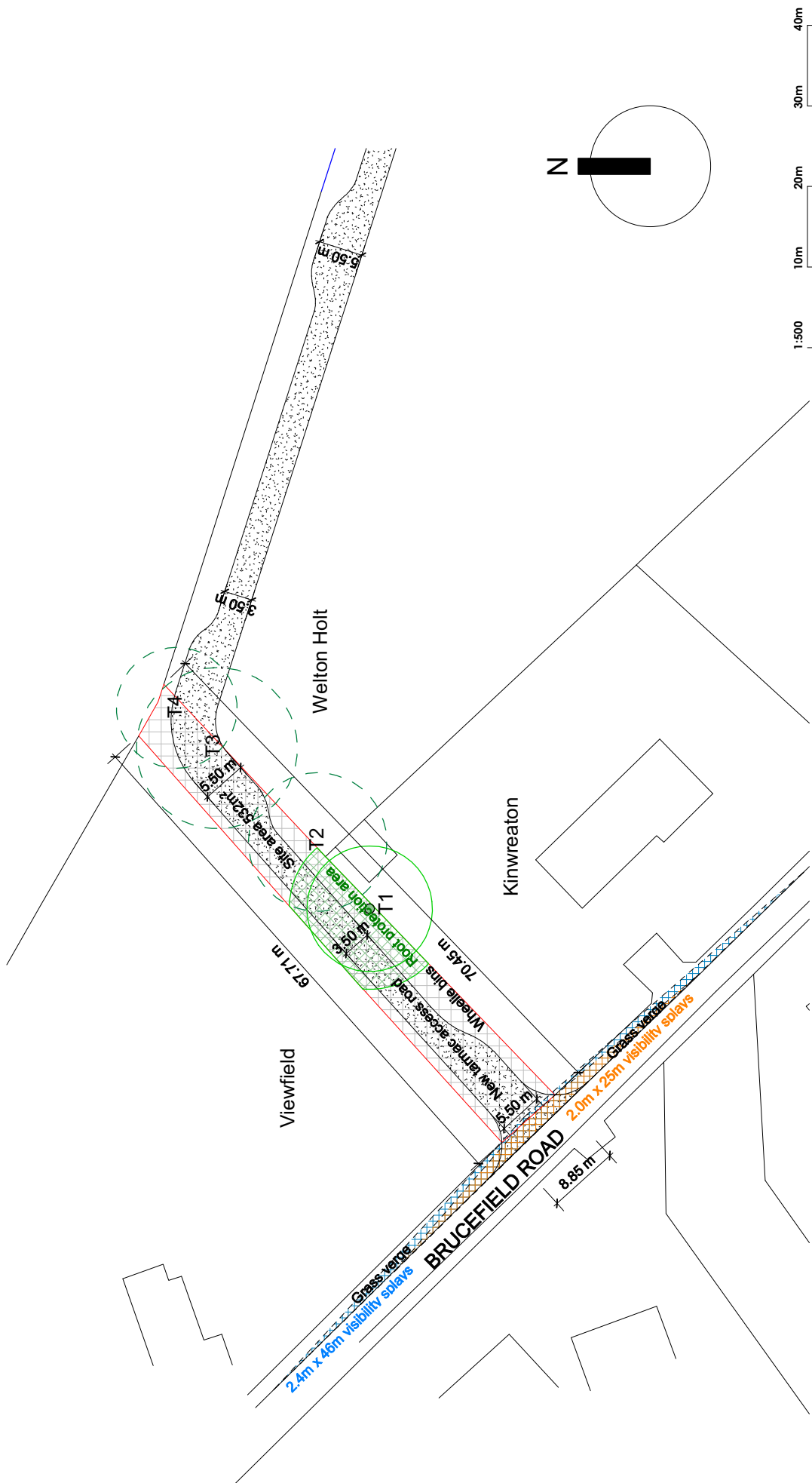
My client had been reluctant to progress the development as approved due to the cost of upgrading the approved access route from Welton Farm and the perceived negative impact on sales this access route would have. Given confidence from John Thomson’s response my client negotiated the purchase of the existing access lane that is the subject of the current application. He also instructed me to prepare alternative house designs and, once Brucefield Road was formally adopted, make the current application.

We consider that in order for this development to be viable, access off Brucefield Road is essential, as it removes the need for the approved arduous route to get to Blairgowrie, involving a 2km cross country drive on narrow country roads, passing through The Welton farm buildings, before arriving at the Welton industrial estate.

Therefore if approved this application affords the proposed 4 dwellings the same convenient access via Brucefield Road neighbouring as the existing dwellings. If rejected the proposed dwellings will be difficult to market and it is unlikely my client will proceed with the development.

In conclusion, in order to prevent any future delay from an appeal and possible judicial review, we felt it appropriate to set out our contentions at this time and we would like you to consider these before making your determination on this application.





project

drawing

NEW ACCESS ROAD PLAN			
New Access Road to Residential Land at Welton Holt, Rosemount, Blairgowrie for Mr & Mrs Bruce & Kirsty Thomson	date	scale	drawn
	14.12.2016	1 : 500	GD
job number		drawing number	revision
665		L03	C

MAK
architecture

32 Leslie Street Blairgowrie
Perthshire Scotland PH10 6AH
T: 01250876460 M: 07801010015
E: mail@MAKarchitecture.com



project

drawing

**New Access Road to Residential Land at
Welton Holt, Rosemount, Blairgowrie for
Mr & Mrs Bruce & Kirsty Thomson**

PHOTOS OF ACCESS

date
26.05.2017

scale
1 : 5

drawn
GD

job number
665

drawing number
L07

revision
C

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T: 01250876460 M: 07801010015
E: mail@MAKarchitecture.com

Gordon Darge

From: Callum Petrie [REDACTED]
Sent: 17 February 2015 15:19
To: Gordon Darge
Subject: FW: 14/00709/PREAPP RE: 14/00247/FLL Erection of two dwelling houses at Land To The North Of Gregorton, Brucefield Road, Blairgowrie.

Gordon,

Please see e-mail from John Thomson below.

Kind regards

Callum

Callum Petrie

Planning Officer

Development Management

Planning & Development

Environment Service

Perth and Kinross Council

From: John Thomson - TES
Sent: 17 February 2015 15:16
To: Callum Petrie
Cc: Niall Moran
Subject: RE: 14/00709/PREAPP RE: 14/00247/FLL Erection of two dwelling houses at Land To The North Of Gregorton, Brucefield Road, Blairgowrie.

Callum

To clarify the situation regards taking access onto Brucefield Road, Blairgowrie in relation to the above application.

Currently, Brucefield is not on the List of Public Roads and therefore is termed a "Private Road". Access to use this road would require the agreement of that road's manager, who probably consist of a committee or suchlike of those using the road, namely the residents. Therefore we cannot direct a new access to this road without permission of these managers.

However, if as is being purported, Brucefield Road is to become a Public road by being added to the List of Public Roads then Brucefield Road will be managed on a greater public benefit basis and as such I do not consider that forming a new access to service the proposed 4 dwellings would be an issue. The road is acknowledged as

narrow with entranceways being used as passing places therefore it is self-policing regards speed. Traffic volumes are not great and as such I don't think capacity is an issue.

Regards

John

From: Callum Petrie

Sent: 01 December 2014 10:40

To: John Thomson - TES

Cc: Niall Moran

Subject: FW: 14/00709/PREAPP RE: 14/00247/FLL Erection of two dwelling houses at Land To The North Of Gregorton, Brucefield Road, Blairgowrie.

FYI,

Regards

Callum

Callum Petrie

Planning Officer

Development Management

Environment Services

Perth and Kinross Council

From: Callum Petrie

Sent: 01 December 2014 10:39

To: 'gordon@makarchitecture.com'

Subject: 14/00709/PREAPP RE: 14/00247/FLL Erection of two dwelling houses at Land To The North Of Gregorton, Brucefield Road, Blairgowrie.

Dear Mr Darge,

I write in relation to the aforementioned pre-application enquiry relating to planning consents 14/00247/FLL and 12/00678/FLL.

Please accept my apologies in the delay in responding to this matter. I can confirm that I have now passed the enquiry to roads colleagues to look over in relation to the identified change in position of the Council adopting Brucefield Road. As your client will be aware, roads colleagues have historically resisted any additional vehicle use from new development onto Brucefield Road. From the material you have provided and looking over the existing approved drawings, I would at this stage also identify that close consideration must be given to boundary trees as identified on plan 08/02177/FUL/2 (trees 10/11/12). It is difficult to see how the access can be achieved within this section without having an impact on the aforementioned trees?

Depending on what roads colleagues say in relation to the changes to Brucefield road, I would highlight the following at that this stage:

- As identified, close consideration must be given on the impact on valuable trees, which effectively bound and frame the wider site area;
- Any new access will trigger new applications to be required for both associated applications to review any revised access proposals and the current associated conditions attached to the extant planning consents.
- The site is now identified as part of zoned residential development area **H62 (in Perth and Kinross Local Development Plan 2014)**. Any material changes to the extant consents should therefore ideally take account of the wider site context of H62 and the associated site specific Developer Requirements.

I aim to follow up this e-mail with a response from Transport Planning Colleagues as soon as I receive it.

You should note that I have not necessarily identified all the policies or material considerations which might influence the determination of any planning application. The Council would not in any event be bound by such advice in the event that you submit a planning application.

Yours sincerely

Callum Petrie

Callum Petrie

Planning Officer
Development Management
Environment Services
Perth and Kinross Council

From: Gordon Darge [<mailto:Gordon@makarchitecture.com>]

Sent: 14 October 2014 19:15

To: Development Management - Generic Email Account

Cc: BRUCE

Subject: 14/00247/FLL Erection of two dwelling houses at Land To The North Of Gregorton, Brucefield Road, Blairgowrie.

Dear Sirs,

Pre-application Enquiry for Alternative Access Road to Planning Permission 14/00247/FLL & 12/00678/FLL for the Erection of Four Dwelling Houses at Land To The North Of Gregorton, Brucefield Road, Blairgowrie.

Further to the council's adoption of Brucefield Road, Blairgowrie my client Buchanan Developments Scotland Limited are interested in exploring the possibility of taking an alternative access road into the site via the land outlined in red on the attached location plan 665L01A.

The approved vehicular access, the green line on the attached plan 665L01A, is via the track heading North. To get to Blairgowrie is a convoluted route involving a 2km cross country drive on narrow country roads passing through The Welton farm buildings before arriving at the Welton industrial estate. One then joins the town road network at the extremely busy new Wellmeadow traffic lights, which are currently a source of much delay and frustration. This arduous and awkward route has proved difficult for the developer to market and may be the reason why prospective buyers have not been found.

If vehicular access could be gained off the newly adopted Brucefield Road and up a new access road constructed on the existing agricultural track shaded orange on the attached plan 665L02A, then the new houses approved in these applications could be afforded the same convenient access as the existing neighbouring dwellings. It is hoped that this would make the properties more attractive to prospective purchasers.

I would be grateful if you would provide in writing your initial thoughts on such a proposal.

Yours faithfully,



Gordon Darge B.Arch(Hons) Dip.Arch. RIAS



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Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Philip G Hutchinson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-340-2050
- Site address: Viewfield Cottage, Brucefield Road, Blairgowrie, PH10 6LA
- Appeal by G S Brown Construction Ltd against the decision by Perth & Kinross Council
- Planning Application 10/01598/FLL dated 10 September 2010, refused by notice dated 23 December 2010
- The development proposed: Erect a detached dwelling house
- Application drawings: VBPLP (site & location) & SVB1 (elevations & floor plan)
- Date of site visit by Reporter: 15 April 2011

Date of appeal decision: 21 April 2011

Decision

I allow the appeal and grant planning permission subject to the 4 conditions listed at the end of this decision notice on pages 3 and 4. Attention is drawn to the 3 advisory notes at the end of this notice on page 4.

Reasoning

1. The key issues are: (1) whether the proposal is consistent with policies 56 and 57 in the Eastern Area Local Plan 1998, and (2) if not whether other material considerations justify a development plan departure or justify refusal on some other basis. In brief summary the first policy aims to retain and improve levels of amenity in residential areas, allowing limited infill development which does not significantly affect the density or character of the locality. The second one requires new houses at this location to have plots of at least 0.3 ha, plus a safe access and to avoid the loss of trees. The other material considerations are (i) the balance of the policy background which has been drawn to my attention (ii) the particular characteristics of the site and the design and (iii) whether planning conditions can resolve any complications which emerge.

2. The cottage closely backs onto the access to Tigh An Donn next to the north boundary of its 0.32 ha plot. This strong lack of symmetry is locally unusual, but not entirely without parallel. The development would account for 0.2 ha, leaving the cottage with 0.12 ha. Self-evidently the proposal is at odds with policy 57 in these two respects. However I consider that this conflict is of very limited weight for 3 reasons:

- It is difficult to attach major weight to a local plan which was adopted fully 13 years ago and which would have been drafted much earlier.



- The draft (2005) review of the local plan proposed to reduce the minimum plot size in this location to 0.2 ha. Although this exercise was abandoned for unrelated reasons in 2008, the case report indicates that council has been using this lower figure. This review represents more up to date non-statutory guidance in this light.
- I find that the present 0.32 ha plot disproportionately large for such a diminutive cottage, sited asymmetrically.

3. I therefore find it appropriate to apply the lower figure of 0.2 ha. For quite separate reasons I consider that this flexibility is also appropriate for the donor property. The cottage would retain a front garden providing a pleasant enough outlook as well as a quite extensive side garden running to the east boundary. Its 0.12 ha plot would lie largely behind a mature beech hedge. Its more limited size would not be particularly obvious. Moreover, most practitioners would expect to find even this size of plot only in fairly low-density suburbs. Most importantly, a 0.12 ha plot would be far more in proportion to such a diminutive cottage. The density visibly reduces east of the former railway line. However elsewhere there are several plots of similar size despite the very same policy coverage. The refusal is entirely policy-based. I therefore find the reason for refusal untenable.

4. The design escapes criticism. There is no reason why the frontage hedge should not survive. There are several small trees in the site plus a coniferous hedge through its centre. These other items make little contribution to the amenity of Brucefield Road. This is in contrast with mature trees to the south, which are not under threat.

5. Many properties nearby have negligible visibility at their accesses. This is because nearly all have mature frontage hedges, contributing to the pleasing character of the locale. The drive entrance would have well above average visibility to its south. This is because of the adjacent agricultural access. I agree that the new access would not be ideal if the frontage hedge is retained. This is a price worth paying for the survival of the hedge. The only way of negotiating Brucefield Road is at a snail's pace. This is due to its single width, the paucity of passing opportunities, the multiplicity of blind accesses, its alignment and its poor junction visibility at either end. All these shortcomings are long-established parts of the baseline position. The small percentage increase in use cannot justify refusal on road safety grounds. Roads officials concur.

6. The success of this appeal should not represent a significant precedent. The asymmetrical and low key way in which the site is presently occupied render it locally unusual. Complete redevelopment for two houses as previously refused would be another matter entirely. There are few opportunities nearby for repetition. Planning officials assessed the case correctly. I agree that planning conditions can contribute to a successful outcome. I have adopted conditions much on the same lines as officials recommended, reworded sequentially and extended to ensure satisfactory landscaping – including a hedge alongside the agricultural access. On this basis I am satisfied that the proposal can be reconciled with local plan policy 56.

7. Planning officers recommended a developer contribution in respect of primary education - pursuant to a policy adopted in 2009. It had been proposed to use a Section 75

Agreement. I have seen insufficient justification, other than the need to comply with a two-year policy. The capacity of Newhill Primary School is said to be 432. Its highest projected 7 year roll is put at 320 - presently leaving 112 spare places. An additional 66 pupils are said to be "potential" additions "from this and previously approved/yet to be determined applications." This language suggests that every one of these cases could together potentially take the school to 91% of its capacity. This figure clearly assumes pupils from developments which may not be built inside 7 years. The council's response to the appeal uses language which implies that the school is already at over 80% capacity. This is not the case. I would need a better justification before finding that all tests in Circular 1/2010 – *Planning Agreements* have been met.

8. There has been a complete lack of dialogue over a developer contribution. I would have expected the draft of a Section 75 Agreement to have been drawn up before the case came to appeal. It is inappropriate for such a loose end to await resolution at this stage. In the light of this and the previous paragraph I can give this matter no more attention.

9. I conclude that the appeal proposal is inconsistent with the development plan, but that other material considerations convincingly justify a development plan departure. Careful account has been taken of all the other matters which have been raised, not least the site history, the other appeal decision which has been mentioned, and the self-evident shortcomings of Brucefield Road. However, none of these other matters outweighs those considerations on which this decision is based.


Reporter

Conditions

1. Before any development commences the following particulars shall be submitted for the prior written approval of the planning authority:
 - (a) A detailed tree survey and landscaping scheme indicating –
 - (i) all trees and shrubs to be retained, which shall in any case include the entire frontage hedge of both the appeal site and the donor property except as may be required to form the footprint of a new vehicular access,
 - (ii) a new beech hedge defining the south east boundary of the site from a point 2m back from Brucefield Road as far back as its midpoint,
 - (iii) measures for the protection of retained trees and shrubs during development, and -
 - (iv) details of all new trees and shrubs to be planted in addition to the above new hedge.
 - (b) Full details of all external finishes.

[Reason: In the interests of visual amenity to maintain the character of the area, these matters cannot be left any more open ended.]

2. Before the development is occupied the vehicular access shall be fully formed in accordance with specification Type B (Figure 5.6) in Perth & Kinross standards, and at least 2 parking spaces plus turning space shown on drawing VBPLP shall be completed to the satisfaction of the planning authority and available for use.
[Reason: In the interests of road safety and the convenience of other road users.]

3. Within 6 months of the development being first occupied all additional tree shrub and hedge planting pursuant to condition 1(a) above shall be completed.
[Reason: To help ensure that the development matures into its setting as expeditiously as possible.]

4. Within the first 5 years of the development being first occupied all tree and shrub failures, including those which form parts of hedges, shall be promptly replaced on a like for like basis unless alternative arrangements have first been approved in writing by the planning authority. [Reason: To help ensure that the development matures into its setting as expeditiously as possible.]

Advisory notes

1. **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).]

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Our Ref: KP/FLM/1011/D6007

14 June 2017

FAO Gordon Darge

MAK Architecture
32 Leslie Street
Blairgowrie
Perthshire
PH10 6AH

Structures
Infrastructure
Flood Risk
Environmental
Hydrology
Transportation

Dear Gordon,

RE - PKC 16/01865/FLL – PLANNING APPLICATION REFUSAL FOR FORMATION OF ACCESS ROAD AT LAND 60M EAST OF KINWREATON, BRUCEFIELD ROAD, BLAIRGOWRIE

Further to your instruction on behalf of Mr Bruce Thomson, we have undertaken a review on the access proposals associated with the above planning application and forthcoming appeal to be heard by the Local Review Body. Our findings are as follows:

The proposed development of 4 detached dwellings served by an access onto Brucefield Road was refused planning consent on 15th March 2017 on grounds relating to sub-standard visibility splays in both directions for the access, thereby compromising both road and pedestrian safety.

In our considered opinion if the client was indeed considering a new access then design and layout in accordance with current design standards would have to be provided otherwise the Council would prejudice their position in respect to other applications and as a consequence they have to be seen to be consistent with such policies. In considering the application however the Council have appeared to overlook the fact that indeed the proposals are not for a new access but for an improvement to an existing access. Under their reasons for refusal they quite clearly refer to **“the new access.”** Having checked the historical maps provided by your good self it is evident that the access being considered is indeed an existing access with presumably permitted rights to access onto Brucefield Road. We suggest that to be absolutely certain our opinion is indeed correct, legal opinion should be sought by the client that this is the case. If indeed legal opinion agrees that this is an existing private access then the Council's reasons for refusal have been issued incorrectly.

As the proposed development will serve up to 4 dwellings the intensity of use will be more than that served by the existing access. However, vehicles currently serving the existing access, being agricultural in form, will be slower and significantly larger/longer than those anticipated from the residential development. It is well recognised that agricultural vehicles have a higher accident potential than cars and by surfacing the existing access and improving the layout will make access/egress easier. It can therefore be contended that the proposed improvements to the existing access and the change of use on site will create a safer environment to what is predominantly a residential corridor along Brucefield Road.

It is also understood that the Council have recently adopted Brucefield Road as reported in their committee report dated 9th September 2015 and as a consequence of this we assume that they have followed standard protocols before its adoption. The extent of adoption was also clarified by Brian Milne from Perth & Kinross Council within his email of 22nd December 2016 to your good self. To only adopt the actual road surface and no verges is rather strange and not common practice. It limits the Council's options for future maintenance along this road and normally verges are also considered by them which provides them powers to trim hedges encroaching onto visibility splays etc.



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The National Roads Development Guide is the appropriate documentation for the Council to refer to for roads development guidance and standards etc. The document was last updated in February 2014 and as such the Council, when considering the adoption of Brucefield Road and placing it onto its list of Public Roads would have had to refer to this publication. The committee report of 9th September 2015 concludes that **“the roads detailed in the attached schedule have been completed to the required standards and should now be added to the List of Public Roads.”** Brucefield Road is certainly sub-standard to the standards contained in the National Roads Development Guide. There is no street lighting or drainage provision, no pedestrian provision, existing accesses off Brucefield Road do not conform to standards and it is not wide enough for emergency vehicle access. When considering the adoption of Brucefield Road the Council must have considered it safe for use given the number of departures from standards. As such existing accesses along the route to Brucefield Road must also have been considered to be safe and adequate. Given that many existing accesses are even sub-standard to the proposals set out within Mr Thomson's planning application it is difficult to understand the Council's reasons for refusal in this instance. As part of the adoption process the Council would have had to receive an Adoption Certificate (CC6 Form) copy enclosed and we advise that the client should seek a copy of such certification as a Construction Consent application should have been submitted prior to its adoption. A Stage 3 safety audit should have also been requested and a copy of this report should also be sought for your client's reference.

We have also enclosed an extract from the SCOTS Guide for the Road Construction Consent and Road Bond process documentation. Under Section 1.9 (copy enclosed) the question as to whether the roads authority can **“adopt”** an existing private road, it is reported that a Local Authority does have discretionary powers, subject to certain procedures, to add a private road to the list of public roads. They must adopt a private road if the road is of a standard satisfactory to the authority. In its adoption therefore of Brucefield Road the Council must have considered the road itself and all accesses onto it as being to a standard suitable for adoption. This implies that the existing site access would have been deemed suitable as well with its visibility limitations and use by larger and slower vehicles. Improving this access by forming a properly surfaced access must only lend itself to an enhancement overall.

Having checked the available visibility on-site we can confirm that minimum splays in each direction of 2m x 11.3m can be achieved. Consultation comments from the Council's Highways Engineer, Niall Moran, on 29th November 2016 indicates that minimum visibility splays of 2.4m x 46m in each direction should be provided for based on the 30mph speed limit. In accordance with the Notional Roads Development Guide on page 70 clause 3.1.1(C) (extract enclosed) it is indicated that visibility requirements are detailed in Designing Streets. We have also enclosed an extract from Designing Streets and it is suggested that visibility splays of 2.0m x 40m would be more appropriate for application within a 30mph zone. However, it is recognised that Brucefield Road is an extremely low speed environment, hence the “x” distance for the visibility standard could be reduced from 2.4. to 2.0m. Dialogue between your good self and Niall Moran we understand confirmed that Niall would be willing to accept a reduced standard of 2.0m x 25 m splays due to the traffic speeds on Brucefield Road which in accordance with Designing Streets represents an average speed of circa 22mph. Having driven the route on numerous occasions, we would actually anticipate 85th percentile vehicular speeds to be representative of between 15-16mph. Respective visibility splays for such a design speed would be 2m x 15 or 16m. Unfortunately, such supporting information can only be obtained by undertaking a speed survey however we would be confident that 85th percentile speeds if recorded would fall into speed levels below 20mph. Being able to achieve 2m x 11.3m in each direction is still slightly sub-standard to the standard required for a new access however this is an existing access for which the Council, through their adoption process have previously considered to be safe and acceptable.

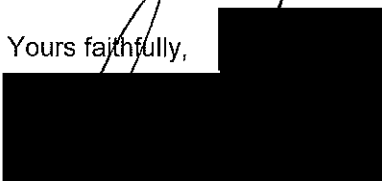
In his planning response of 29th November 2016, Niall Moran also indicates that the width of the main section of the access is unlikely to conform to the requirements for emergency vehicle access. Current standards for fire tender vehicles is 3.7m width and layouts provided by your good-self indicate that that width can indeed be achieved. Having already adopted Brucefield Road which is significantly sub-standard of this design width along large sections of its layout the Council have already accepted widths which do not comply with design standards as being acceptable and safe. Such comments are therefore quite puzzling bearing in mind your client can comply with this standard and Brucefield Road currently does not.

One final point we would make is in respect to existing accesses being deemed as safe and acceptable from the Council's perspective having adopted Brucefield Road. We refer in particular to the small cul-de-sac (Pinewood/Redstones/Kenart) to the South East of your client's proposed site access. The existing access serves three dwellings and visibility splays are circa 2.0m x 5m in each direction. Having been considered to be safe and acceptable previously by the Council who have adopted Brucefield Road the visibility standards are significantly less than those which can be delivered by your client. In recommending for refusal we would have anticipated that the Council would have been aware of existing access conditions along the length of Brucefield Road. In this context it is difficult to understand the reason for refusal as a precedent has already been set by existing junctions.

One comment un-linked to the refusal notice which is worthy of note is that the Council have a duty of care to ensure all drainage runoff from their adopted network is contained and disposed of appropriately without impacting onto existing curtilages. This is not the case in this instance as drainage runoff discharges to the verges which the Council have confirmed are under your clients control and are unadopted by the Council. We cannot see what the Council can do to rectify this issue under the land within their control.

We trust that this review is sufficient for your immediate requirements.

Yours faithfully,



Ken Pirie BEng (Hons); MSc; CEng; MICE; MCIHT
Managing Director
Millard Consulting



Adoption Certificate **CC6**

Application by a Developer for the Addition of Road(s) and/or Footpath(s) to the Roads Authority's List of Public Roads

I/We (insert full name of applicant)

of (insert address of applicant)

Postcode

apply under:

(1)* Section 16(2) of the Roads (Scotland) Act 1984, in respect of the road(s) listed in Schedule A annexed and constructed in accordance with:

Construction Consent number granted to me/us* on

and/or:

(2)* Section 18(1) of the Roads (Scotland) Act 1984, in respect of the footpath(s) listed in Schedule B annexed and the Agreement annexed and constructed in accordance with:

Agreement number FA Dated

for the addition to the Roads Authority's List of Public Roads of the said road(s)* and/or footpath(s)* all as shown in colour on the plan(s)* submitted herewith and docqueted and signed as relative hereto.

Signed (applicant)

Name

Date

Schedule A referred to:

Road Description (this may be done by reference to a plan)

Length

Schedule B referred to:

Footpath Description (this may be done by reference to a plan)

Length

(* delete as appropriate)

For Office Use Only

Reference Number CC

Adoption Inspection

Received

Added to list

A responsible party, constituting the road manager, must be nominated for a new private road and this information included within the National Gazetteer through the SRWR.

1.8 What about other “roads” (for example, leading to a farm)?

If there is no public right of passage over them *they are not roads* in the legal sense and the Act does not apply. They are private accesses and the landowners concerned are responsible for their upkeep.

For clarity, the private access extends usually from the line of the road boundary which is normally either the rear of the adjoining footway or the verge fence line. Where this is not clear, detailed advice should be sought from the appropriate road authority

1.9 Can the local roads authority “adopt” a private road?

The local roads authority have a discretionary power, subject to certain procedures, to add a private road to the list of public roads. They must “adopt” a private road, within 12 months of an application being made (see 1.11), if the road is of a standard satisfactory to the authority and provided that the road does not deteriorate below the acceptable standard during that time. *

If there is a dispute as to standards it is to be settled by an arbiter to be appointed by the parties; if they cannot agree, the sheriff will appoint one. (See 2.5 for adoption of new roads).

The local roads authorities also have discretionary power to pay all or any part of the costs incurred in making up and maintaining a private road.

Express planning permission is not required for maintaining or improving an existing private road.

1.10 Can the local roads authority require work to be done to a private road?

Yes. They can serve a notice on the frontages specifying (a) the standard to be met and maintained; (b) the estimated cost; (c) the allocation of costs between the frontagers; and (d) starting and completion dates for the work. If the notice is not complied with, the local roads authority can undertake the work and charge the frontagers.

1.11 Who are the frontagers?

The frontagers are the owners of the land fronting or abutting the road.

3 Details

3.1 Road Design

3.1.1 Junctions

The range of junction types and arrangements are discussed in *Designing Streets* (page 36). This section details required junction criteria to enable a design to function correctly in relation to its user demands.

The functionality of a junction design should be demonstrated by swept path (or tracking) analysis based on the defined user needs appropriate to that junction. The swept path defines the minimum road space required to serve that junction's needs but is not considered necessarily the required kerb boundary line. It merely demonstrates the junction's ability to accommodate the intended traffic use.

(a) Form of Junctions

Where any new development gains access to the existing road network, the detailed form of the junction will depend on various factors including user demand in the form of volume and type of traffic, the manoeuvres made by these vehicles, the potential delays and queues, provision for vulnerable road users etc.

(b) Location

It is preferable to site any junction on level ground or in sags rather than at, or near, the crests of hills. Where possible, T-junctions on curves should be sited so that the minor road is on the outside of the curve. Junctions on the inside of sharp curves are most undesirable.

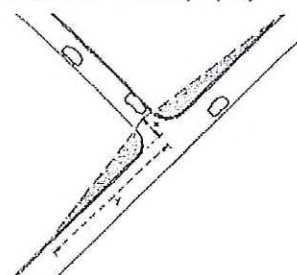
(c) Visibility Splay Area

Stopping sight distances and visibility requirements are detailed in *Designing Streets* (pages 33-35).

(d) Visibility Splay at Bend

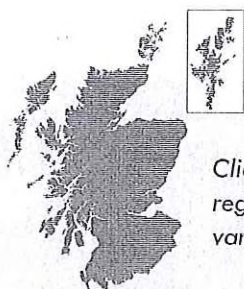
Where the side road joins the road at a bend the Y distance should be measured on the kerb line along the bend but the visibility splay will be determined in a straight line (see Figure 6).

Figure 6 Visibility Splay



(e) Effects of Gradients on Visibility

When a minor road forms an uphill approach to the major road care should be taken to ensure that objects within the visibility triangle although less than 1.05 metres above carriageway level do not interfere with visibility.



Click map to see
regional
variations



Stopping sight distance

The stopping sight distance (SSD) is the distance within which drivers need to be able to see ahead and stop from a given speed.

The SSD values used in *Designing Streets* are based on research into deceleration rates, driver perception-reaction times and speed. These SSD values are appropriate for residential and lightly trafficked streets. The table below shows the effect of speed on SSD. These values are independent of traffic flow or type of road. It is recommended that they are used on all streets with 85th percentile wet weather speeds up to 60kph.

Below around 20 mph, shorter SSDs themselves may not achieve low vehicle speeds: the design of the whole street and how this will influence speed needs to be considered at the start of the process; e.g. the positioning of buildings and the presence of on-street parking.

Further information on SSDs, including details of the calculation formula, and also the relationship between visibility and speed is available in *TRL Report No. 332*¹¹ and *TRL Report No. 661*¹².

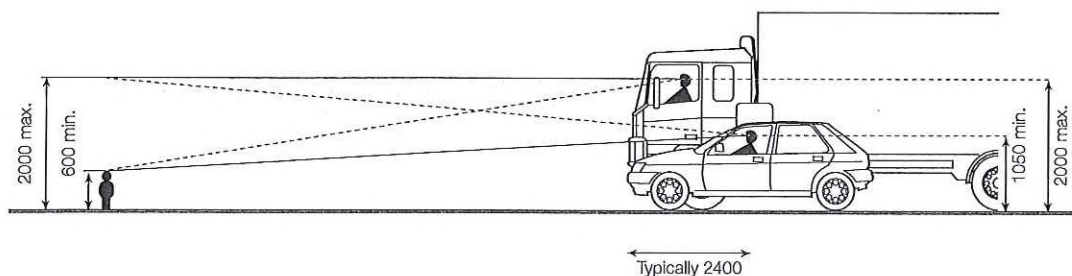
Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
	SSD (metres)	9	12	15	16	20	22	31	36	40	43	56
	SSD adjusted for bonnet length	11	14	17	18	23	25	33	39	43	45	59

Visibility requirements

Visibility should be checked at junctions and along the street. Visibility is measured horizontally and vertically.

Using plan views of proposed layouts, checks for visibility in the horizontal plane ensure that views are not obstructed by vertical obstructions.

Checking visibility in the vertical plane is then carried out to ensure that views in the horizontal plane are not compromised by obstructions such as the crest of a hill, or a bridge at a dip in the road ahead. It also takes into account the variation in driver eye height and the height range of obstructions. Eye height is assumed to range from 1.05 m (for car drivers) to 2 m (for lorry drivers). Drivers need to be able to see obstructions 2 m high down to a point 600 mm above the carriageway.



Visibility splays at junctions

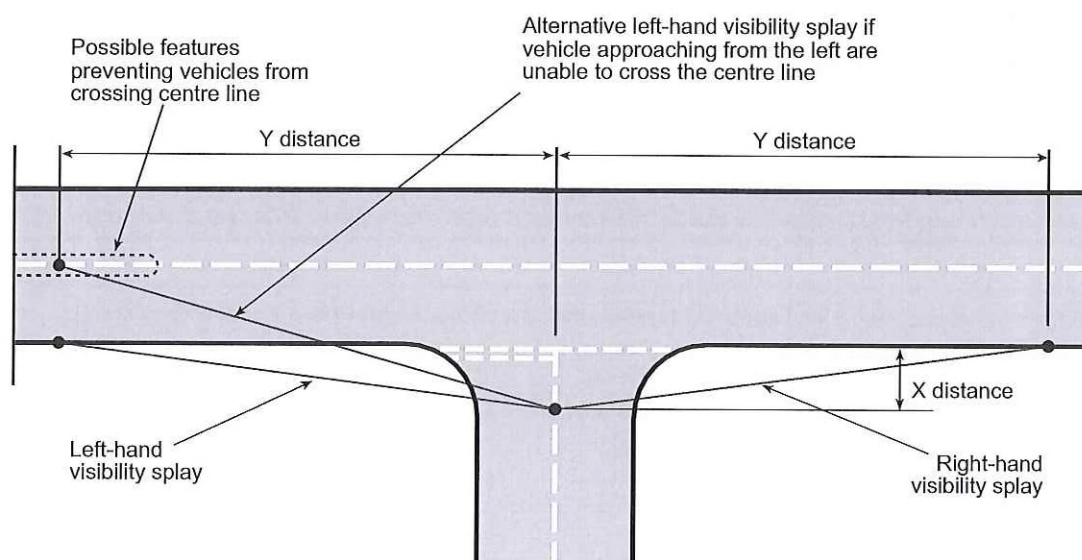
The visibility splay at a junction ensures there is adequate inter-visibility between vehicles on the major and minor arms.

The distance back along the minor arm from which visibility is measured is known as the X distance. It is generally measured back from the 'give way' line (or an imaginary 'give way' line if no such markings are provided). This distance is normally measured along the centreline of the minor arm for simplicity, but in some circumstances (for example where there is a wide splitter island on the minor arm) it will be more appropriate to measure it from the actual position of the driver.

The Y distance represents the distance that a driver who is about to exit from the minor arm can see to his left and right along the main alignment. For simplicity, it is measured along the nearside kerb line of the main arm, although vehicles will normally be travelling a distance from the kerb line. The measurement is taken from the point where this line intersects the centreline of the minor arm (unless, as above there is a splitter island in the minor arm).

When the main alignment is curved and the minor arm joins on the outside of a bend, another check is necessary to make sure that an approaching vehicle on the main arm is visible over the whole of the Y distance. This is done by drawing an additional sight line which meets the nearest wheel track at a tangent.

Some circumstances make it unlikely that vehicles approaching from the left on the main arm will cross the centreline of the main arm – opposing flows may be physically segregated at that point, for example. If so, the visibility splay to the left can be measured to the centreline of the main arm.



X and Y distances

An X distance of 2.4 m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye.

A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.

Using an X distance in excess of 2.4 m is not generally required in built-up areas.

The Y distance should be based on values for SSD.

PERTH AND KINROSS COUNCIL**Enterprise & infrastructure committee****9 September 2015****Amendments to List of Public Roads****Report by Depute Director (Environment)**

This report recommends that the List of Public Roads be updated to take account of the additions detailed in this report.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Roads (Scotland) Act, 1984 requires the Council to keep a List of Public Roads, which it has a duty to manage and maintain. The Act makes provision for new or upgraded sections of road to be added to the List from time to time.
- 1.2 Tillyrie Mains, Milnathort was constructed under Construction Consent. It has been completed in accordance with the Council's Road Standards and a satisfactory twelve-month maintenance period has expired. The developer of the road has requested that it be added to the List of Public Roads. Consequently, in accordance with Section 16 of the Roads (Scotland) Act 1984, the Council, as Roads Authority, is obliged to add such roads to its List of Public Roads.
- 1.3 The remainder of the roads on the attached schedule were constructed by the Council or by residents.

2. PROPOSALS

- 2.1 It is proposed to amend the List of Public Roads as detailed in the attached schedule.

3. CONCLUSION AND RECOMMENDATION

- 3.1 The roads detailed in the attached schedule have been completed to the required standards and should now be added to the List of Public Roads.
- 3.2 It is recommended that the Committee approves the additions to the List of Public Roads as detailed in Appendix 1.

Author

Name	Designation	Contact Details
Brian Fraser	Technician	Tel. 01738 476514

Approved

Name	Designation	Date
Barbara Renton	Depute Director	28 August 2015

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	None
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	None

1. Strategic Implications

Corporate Plan

- 1.1 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

- 1.2 This report relates to (iv) and (v) above.

2. Resource Implications

Financial

- 2.1 There are no Capital resource implications arising directly from the recommendations in this report.

- 2.2 The revenue commitments arising from the routine maintenance of the new roads are detailed in the schedule. The amount of £36,472 for Routine and Cyclic Maintenance, and additional expenditure on Street Cleaning, will require to be prioritised within the existing Environment Service Revenue Budget in future years.

Asset Management (land, property, IT)

- 2.3 These roads will be added to the Council's Asset Management Register.

3. Assessments

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

(i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 This section should reflect that the proposals have been considered under the Act and no further action is required as it does not qualify as a Plan, Programme or Strategy (PPS) as defined by the Act and is therefore exempt.

4. Consultation

Internal

- 4.1 The Head of Legal Services, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.

External

- 4.2 The owners of properties adjacent to Council or resident constructed roads were consulted on the proposals, and a notice was placed in the local newspaper. No objections were received.

2. BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

3. APPENDICES

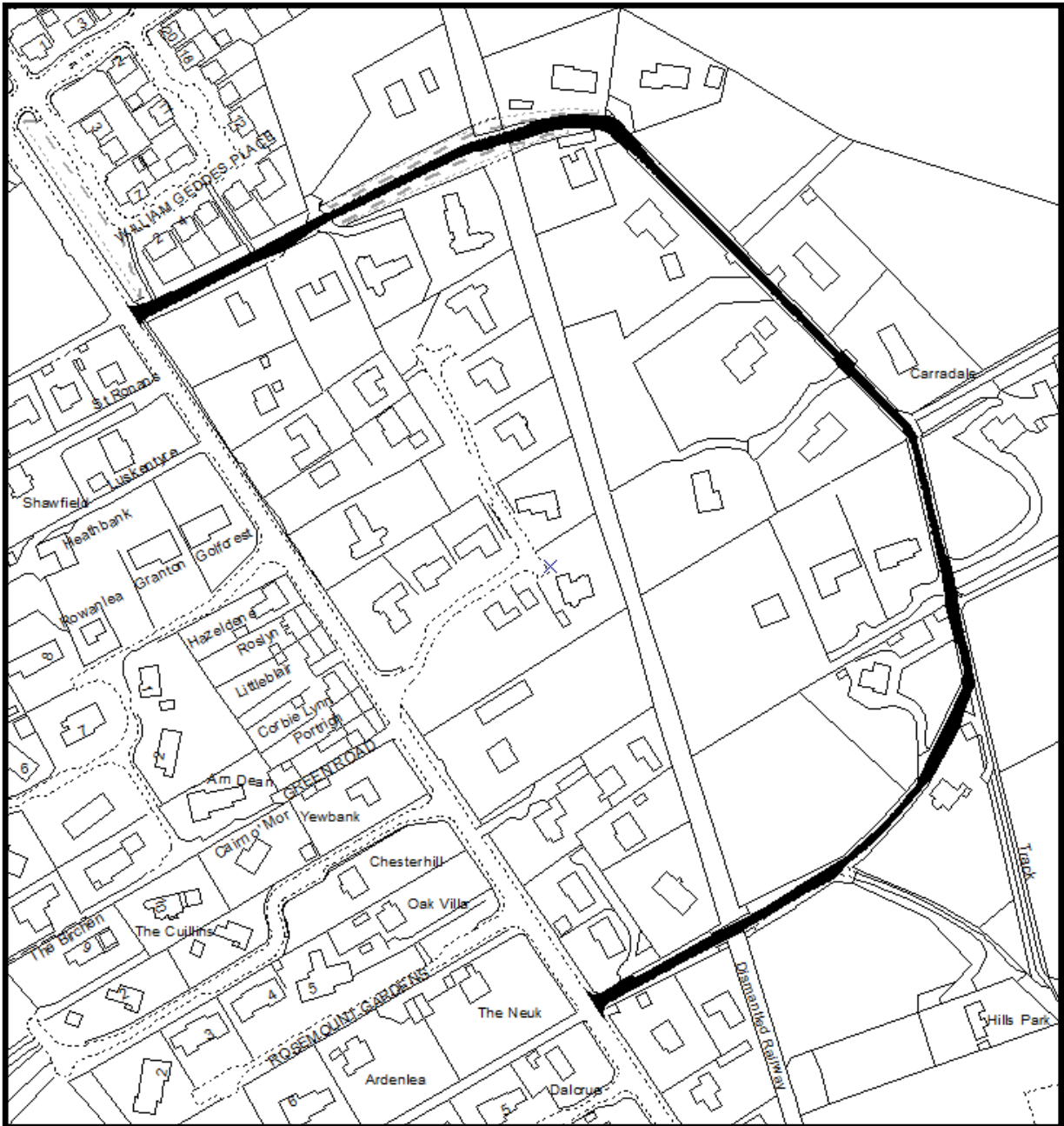
Appendix 1 - Schedule for Additions to the List of Public Roads

Schedule for Additions to the List of Public Roads

Town	Street Name	Construction Consent No.	Developer	Length	Ward	Street Lighting Columns	Remarks	Financial Implications	
								Roads	Street Lighting
Bankfoot	Graham Court	N/A	N/A	114m	5	4		£2,559	£260
Blairgowrie	Brucefield Road	N/A	N/A	787m	3	0		£17,668	£0
Glenshee	A93	N/A	N/A	300m	3	0		£6,735	£0
Glenshee	B951	N/A	N/A	112m	3	0		£2,514	£0
Inchture	Road leading to Kinnaird Castle	N/A	N/A	50m	1	0		£1,123	£0
Milnathort	Tillyrie Mains	CC/PK/08/15	Muir Homes	250m	8	0		£5,613	£0
TOTALS				1,613m		4		£36,212	£260

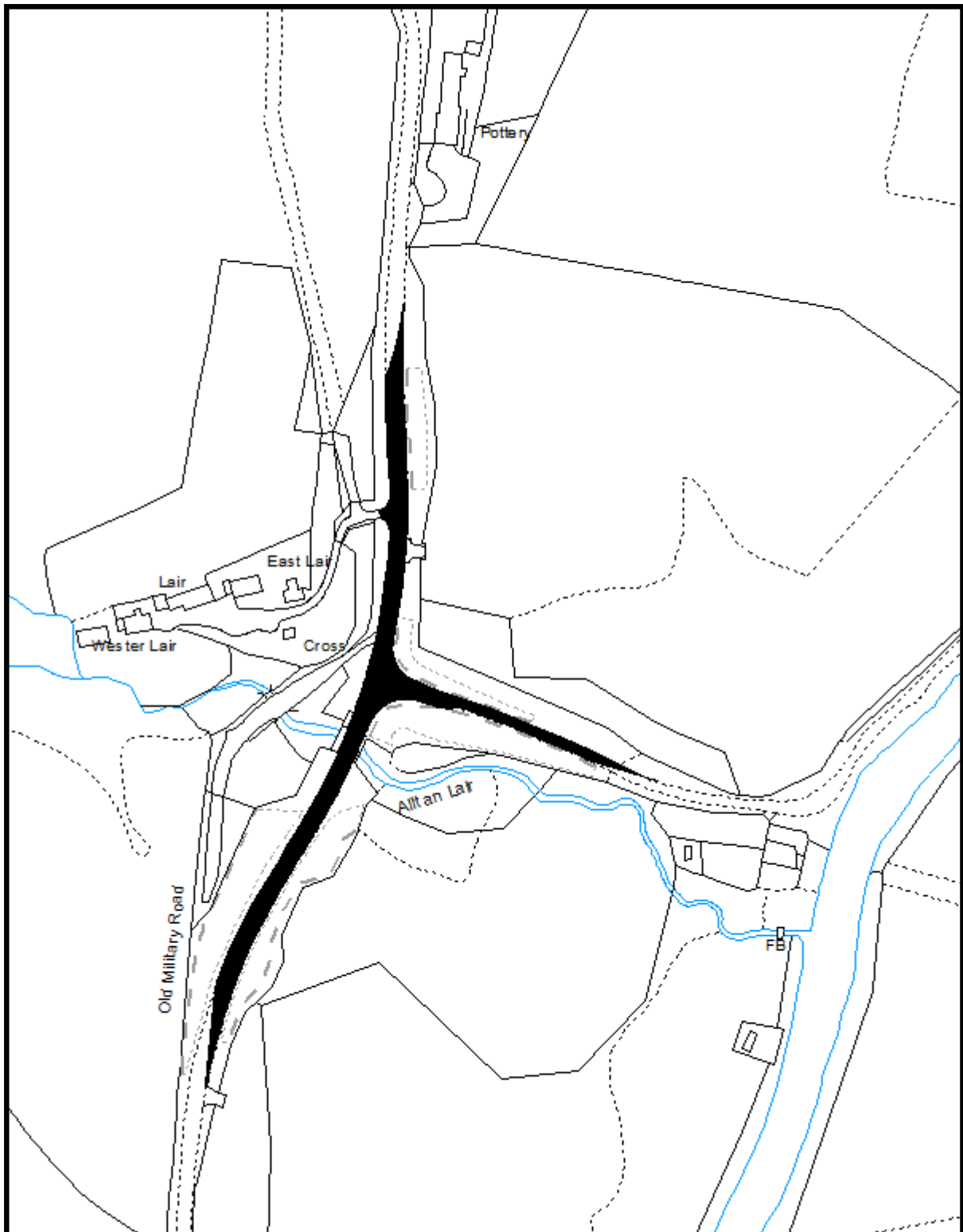
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Brucefield Road, Blairgowrie



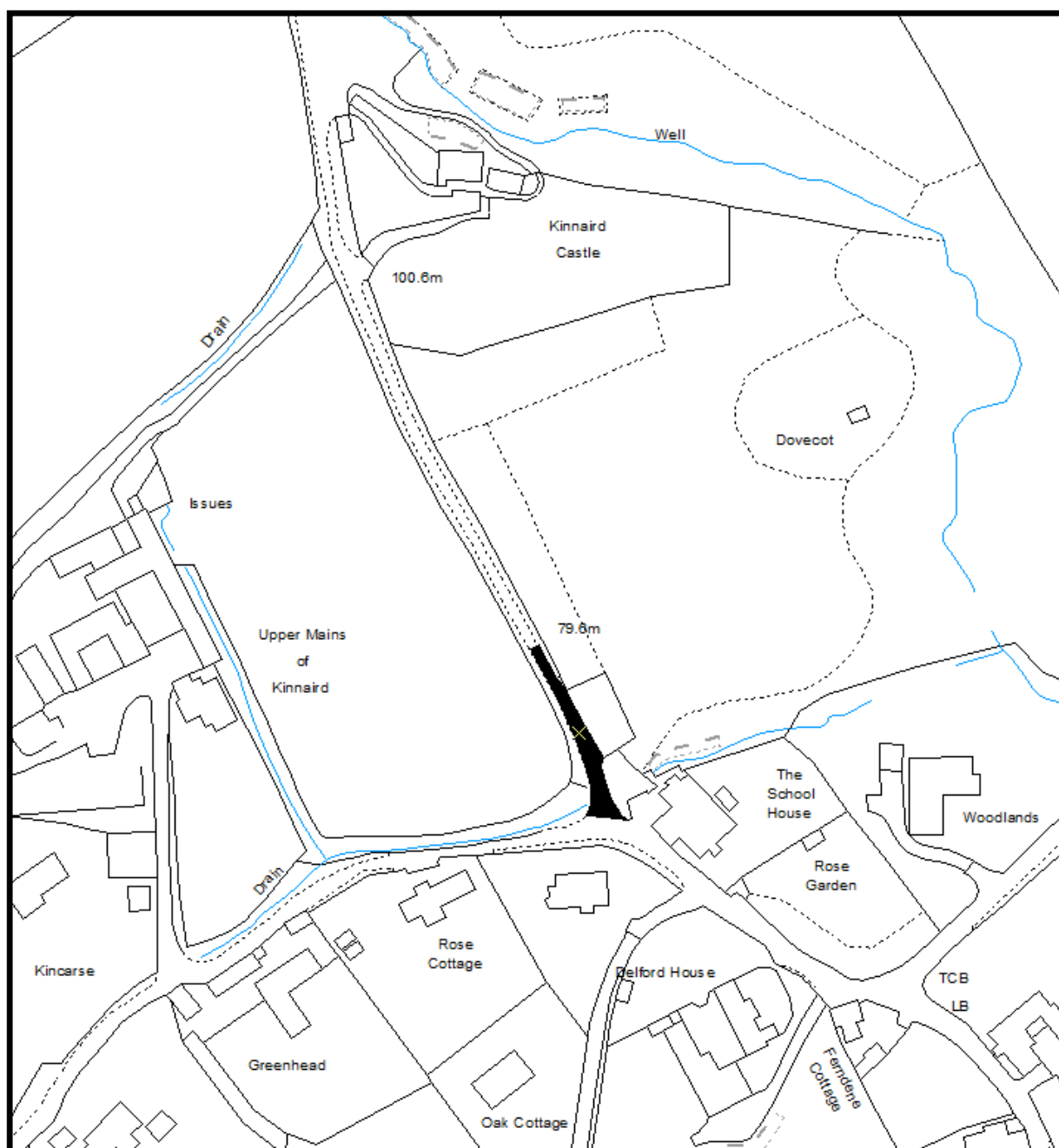
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A93 and B951, Glenshee



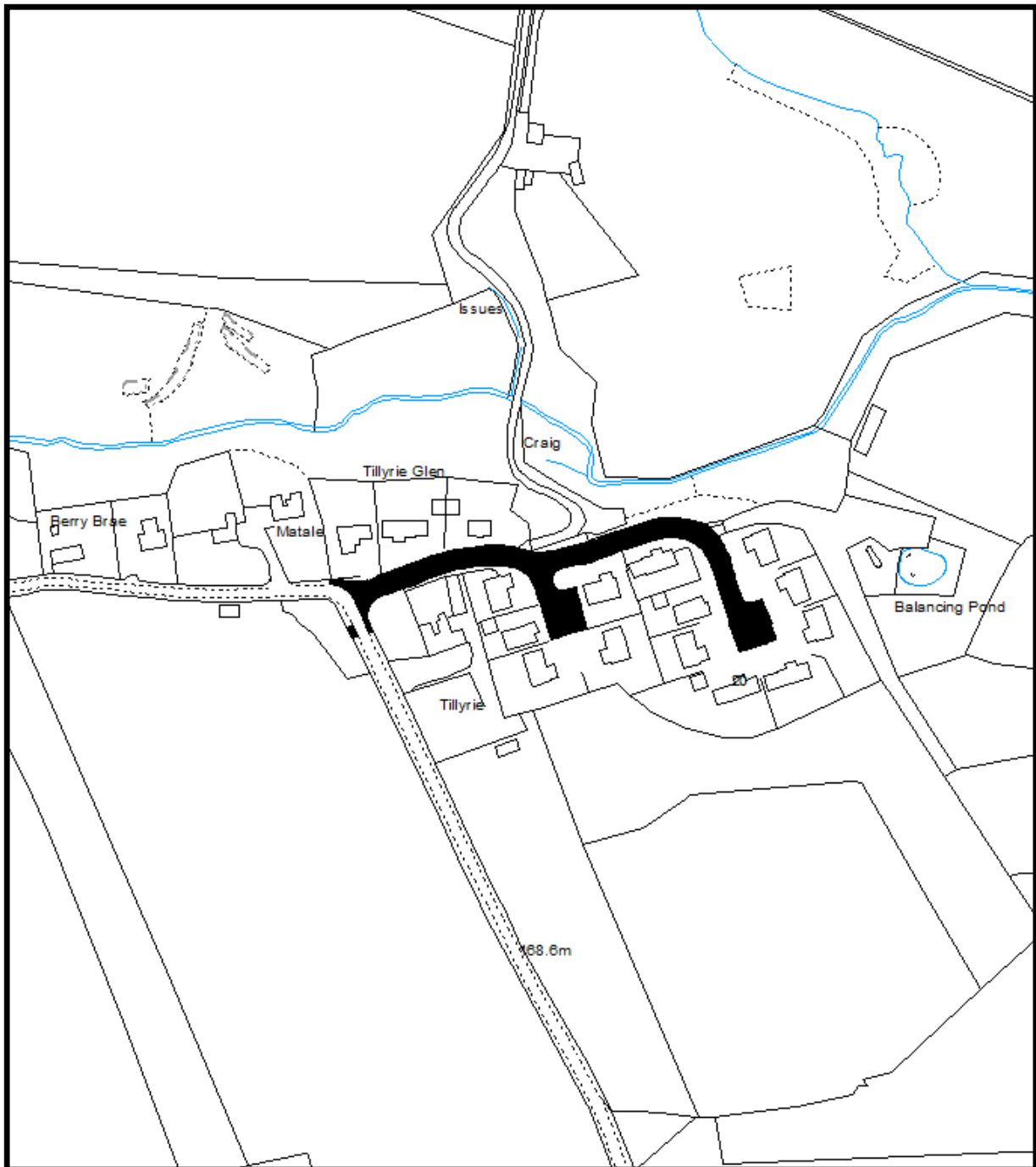
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Road leading to Kinnaird Castle, Inchtute



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Tillyrie Mains, Milnathort



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**TCP/11/16(476) – 16/01865/FLL – Formation of access road
on land 60 metres East of Kinwreaton, Brucefield Road,
Blairgowrie**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr Bruce Thomson
c/o MAK Architecture
Gordon Darge
32 Leslie Street
Blairgowrie
Scotland
PH10 6AH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 15.03.2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01865/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 2nd November 2016 for permission for **Formation of access road Land 60 Metres East Of Kinwreton Brucefield Road Blairgowrie** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

- 1 As the proposed access does not provide suitable visibility splays in both directions which are considered acceptable to serve the development which will be accessed from the new access, the proposal would have an adverse impact on the residential amenity and the existing character of the local area by introducing a development which would compromise road and pedestrian safety to an unacceptable degree. To this end, the proposal is considered to be contrary to Policies RD1 and PM1A Perth Kinross Council's Local Development Plan 2014 which both seek to ensure that existing residential areas are not adversely affected by inappropriate new developments.

Justification

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

Notes

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

Plan Reference

16/01865/1

16/01865/2

16/01865/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/01865/FLL	
Ward No	N3- Blairgowrie And Glens	
Due Determination Date	01.01.2017	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Formation of access road

LOCATION: Land 60 Metres East Of Kinwreaton, Brucefield Road,
Blairgowrie

SUMMARY:

This report recommends **refusal** of a detailed planning application for the formation of a new access which will offer an alternative vehicular access to a small (consented) residential site in Blairgowrie near Brucefield Road 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: 9 December 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The proposal is for the formation of a new access to serve four consented residential plots in Blairgowrie, near Brucefield Road. Brucefield Road is a narrow road which has recently been adopted by the Council and added into the Council's list of public roads.

The access is located directly off Brucefield Road and would replace the previously approved access into the small development site – which was to the east.

At either side of the access there are mature hedges which are not within the ownership control of the applicant.

SITE HISTORY

There is no previous planning history which is directly related to this proposal for the new access. However, there has been some recent planning history in the area, namely a small residential development to the rear of the access – which if this application was approved, this access would be serving.

The existing consents currently have alternative vehicular access arrangements which do not involve Brucefield Road.

PRE-APPLICATION CONSULTATION

A very general pre-application response was issued to the applicant regarding this proposal (14/00709/PREAPP) which highlighted potential issues with the alternative access.

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. Within the National Roads Development Guide advice on new junction arrangements and visibility is provided.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The site lies within the settlement boundary of Blairgowrie as defined in the Local Development Plan, where the following policies are applicable,

Policy RD1 – Residential Areas

The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved.

Policy PM1A - Placemaking

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

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing (April 2016)

This document outlines the requirement for Developer Contributions for Primary Education, A9 junction upgrades and also Transport Infrastructure, as well as providing guidance on Affordable Housing provision.

EXTERNAL CONSULTATION RESPONSES

None undertaken.

INTERNAL COUNCIL COMMENTS

Transport Planning have commented on the proposal and raised an objection based on the lack of suitable visibility when leaving the access. **Bio-diversity Officer** has commented on the proposal and raised no objections in terms of proposed tree removals or impact on habitats, subject to conditions.

REPRESENTATIONS

Three letters of representations have been received from local residents, objecting to the proposal, one of which was received after the statutory timescales. The key issues raised within the letters of representations are,

- Access from Brucefield Road
- Increased traffic along Brucefield Road
- Impact on pedestrians
- Impact of residential amenity
- Impact on bio-diversity
- Loss of trees

These issues are addressed below in the main appraisal section.

ADDITIONAL STATEMENTS RECEIVED

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

Policy Appraisal

In terms of land use policy issues, the location of the access is located within the settlement boundary of Blairgowrie as defined in the LDP where *Policy RD1* is directly applicable. This policy seeks to protect existing residential amenity from inappropriate new development. In addition to this *Policy PM1A* of the LDP seeks ensure that new development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

For reasons stated below, I consider the proposal to be contrary to these policies as it would create a new access which would adversely affect the existing residential amenity and character of the area by virtue of its substandard visibility and its potential to have an adverse impact on road and pedestrian safety.

Residential Amenity

In terms of the impact on existing residential amenity, the proposal would have little direct impact. It would be the case that some noise may be generated by car movements along the private access which might be audible from the dwellings which abuts the new access; however the level of movements which could be expected (bearing in mind what the proposed access is serving) would be fairly low.

To this end, I have no issues in terms of the impact on residential amenity.

Visual Amenity

Some existing trees are proposed to be removed to facilitate the new access route. Whilst the loss of trees is always regrettable, the proposal is unlikely to have a significant adverse impact on the visual amenity of the area. It could be the case that new landscaping and tree replacement could be incorporated into any proposal.

Roads and Access

Vehicular access from Brucefield Road

It is noted that within that the majority of the letters of representation, the vehicular access requirements of the extant residential permissions has been mentioned. Those permissions sought to ensure that no vehicular access was delivered via Brucefield Road – which at that time was not adopted or maintained by the Council. Since those consents where issues, there has been a material change in the status of Brucefield Road, insofar as it is now adopted by the Council and on the Council's list of public roads.

To this end, the principle of a new (private) access which is taken from Brucefield Road is now considered to be acceptable in principle, subject to its

acceptability in terms of geometrics at its junction point and also visibility splays.

Access Arrangement

The width of the main section of the access does not conform to the requirements for emergency vehicle access, and the width of the flared section adjacent to the junction with Brucefield Road is insufficient to allow vehicles to pass. This section would need to be widened to a minimum of 5.5m from that of the initial submission, which could be achievable via a restrictive planning condition. A passing place should also be formed at the bend of the new access road and this too could be achieved via a restrictive condition.

However, my principal concern relates to the deliverability of acceptable visibility splays. In this location my Transport Planning colleagues have indicated that they would require a minimum splay of 2.4m x 46m (based on the 30mph speed limit) in each direction. At the present time there are large hedges on either side of the access point which would significantly reduce the level of visibility when leaving the access. It is also my understanding that through discussions between the applicant's agent and Transport Planning, these hedges are not within the control of the applicant.

As an option to potentially address this, the applicant has tabled an alternative to delivering the splays which uses convex mirrors to try to compensate for the lack of straight (normal) visibility. This option has been discussed at length with the Council, and in particular with the Council's Road Safety Officer and after much consideration, it is the settled view of the Council that the use of mirrors to secure visibility is not acceptable because,

- difficulty by a driver in judging both the speed and distance of reflected vehicles
- problems with glare, sunlight, condensation and dirt
- the need for the mirror to be cleaned
- some drivers may tend to concentrate on the mirror and ignore their immediate surroundings
- speed of emerging vehicles may increase as drivers rely too much on the mirror
- lack of report procedure of damage by accident or vandals, and subsequent repair of mirrors

It is noted that the applicant's agent has raised the question of the other private accesses which join Brucefield Road, and it maybe the case that some of these access are also substandard in terms of visibility splays, however the Council does have a duty to ensure that all new accesses onto public roads do not compromise road and pedestrian safety.

For these reasons, I consider the proposed access to be unacceptable and that it could jeopardise road and pedestrian safety, which in turn would have an adverse impact on the amenity and character of the residential area.

Access to Housing Site H62 (Welton Road)

Whilst the proposed access leads to a small consented residential site, there appears to be some potential for it to link up to a larger housing site which has been identified with the Local Development Plan as H62. What is proposed here is purely a private access to serve a small consented development of four houses only. If this access was to be linked up to the H62 it would need to be assessed by the Council for acceptability to serve as one of the secondary accesses into the site, which at the present time it hasn't been done so.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding issues.

Impact on Trees

To facilitate the new access, some tree removals are proposed. A tree survey has been lodged with the application, and ultimately I have no concerns over the proposed tree removals.

Impact on Bio-diversity / Habitats

The tree survey lodged considers it unlikely that bat roosts are present; however I note that the impact on the existing habitats has been raised within the letters of representations. The proposal has been considered by the Council's bio-diversity officer who has no objection to the proposal, subject to standard conditions being imposed in relation to habitats.

Developer Contributions

As the proposal is for a new access only, there are no issues in terms of affordable housing provision or developer contribution.

Economic Impact

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

Conclusion

In conclusion, the 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 adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan, and on that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period. A greater length of time was afforded to the applicant to allow for them to discuss possible options with the Council's Transport Planning and Roads teams – which in the end, were not successful in terms of agreeing an acceptable arrangement.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application because of the following reason,

As the proposed access does not provide suitable visibility splays in both directions which are considered acceptable to serve the development which will be accessed from the new access, the proposal would have an adverse impact on the residential amenity and the existing character of the local area by introducing a development which would compromise road and pedestrian safety to an unacceptable degree. To this end, the proposal is considered to be contrary to *Policies RD1 and PM1A* Perth Kinross Council's Local Development Plan 2014 which both seek to ensure that existing residential areas are not adversely affected by inappropriate new developments.

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.

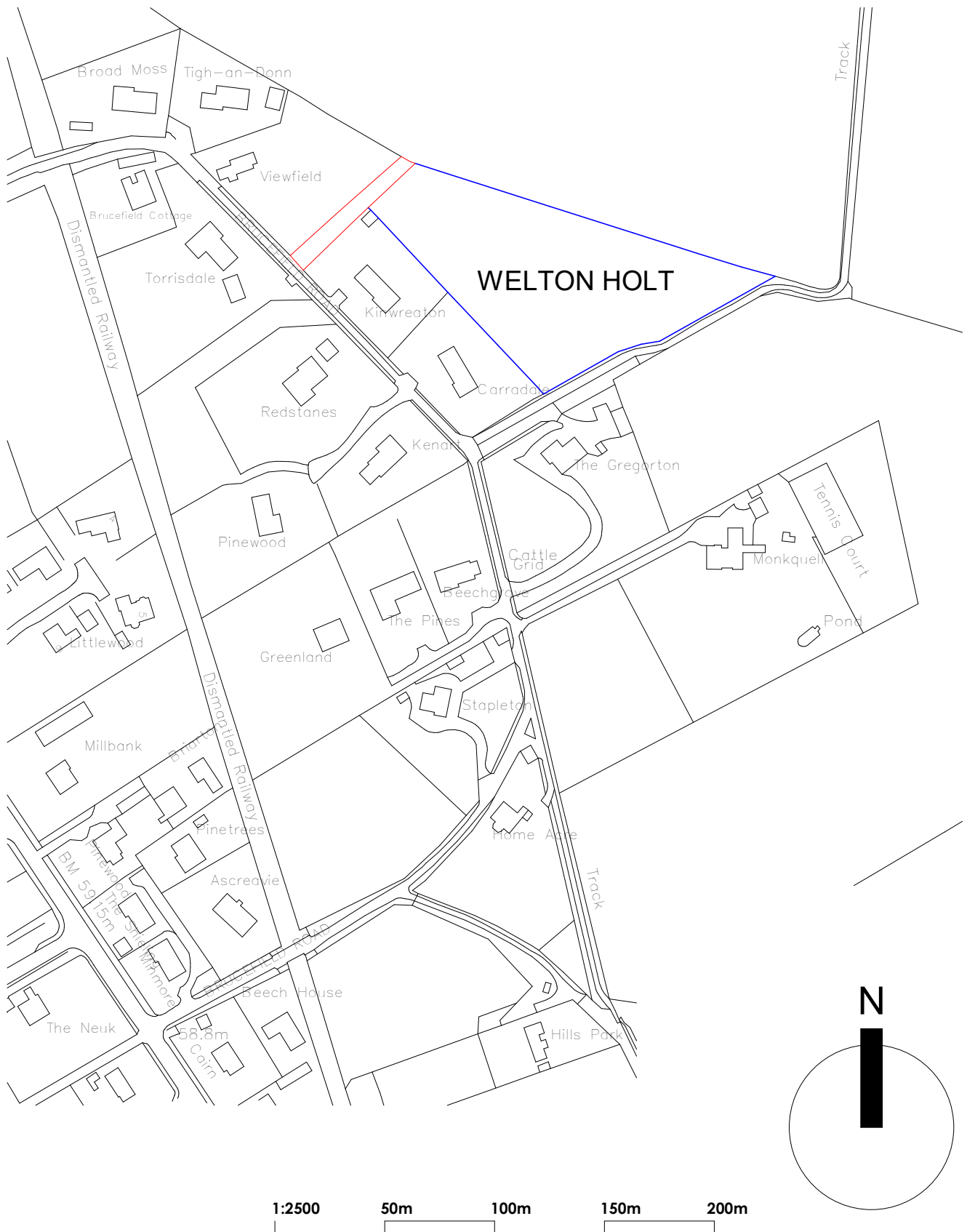
PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/01865/1

16/01865/2

16/01865/3

Date of Report 14.03.2017



project

drawing

**New Access Road to Residential Land at
Welton Holt, Rosemount, Blairgowrie for
Mr & Mrs Bruce & Kirsty Thomson**

LOCATION PLAN

date
22.10.2016

scale
1 : 2500

drawn
GD



32 Leslie Street Blairgowrie
Perthshire Scotland PH10 6AH
T: 01250876460 M: 07801010015
E: mail@MAKarchitecture.com

job number

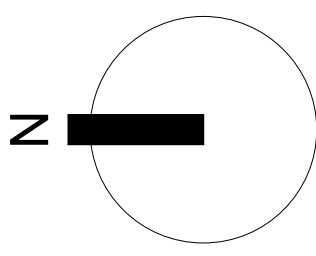
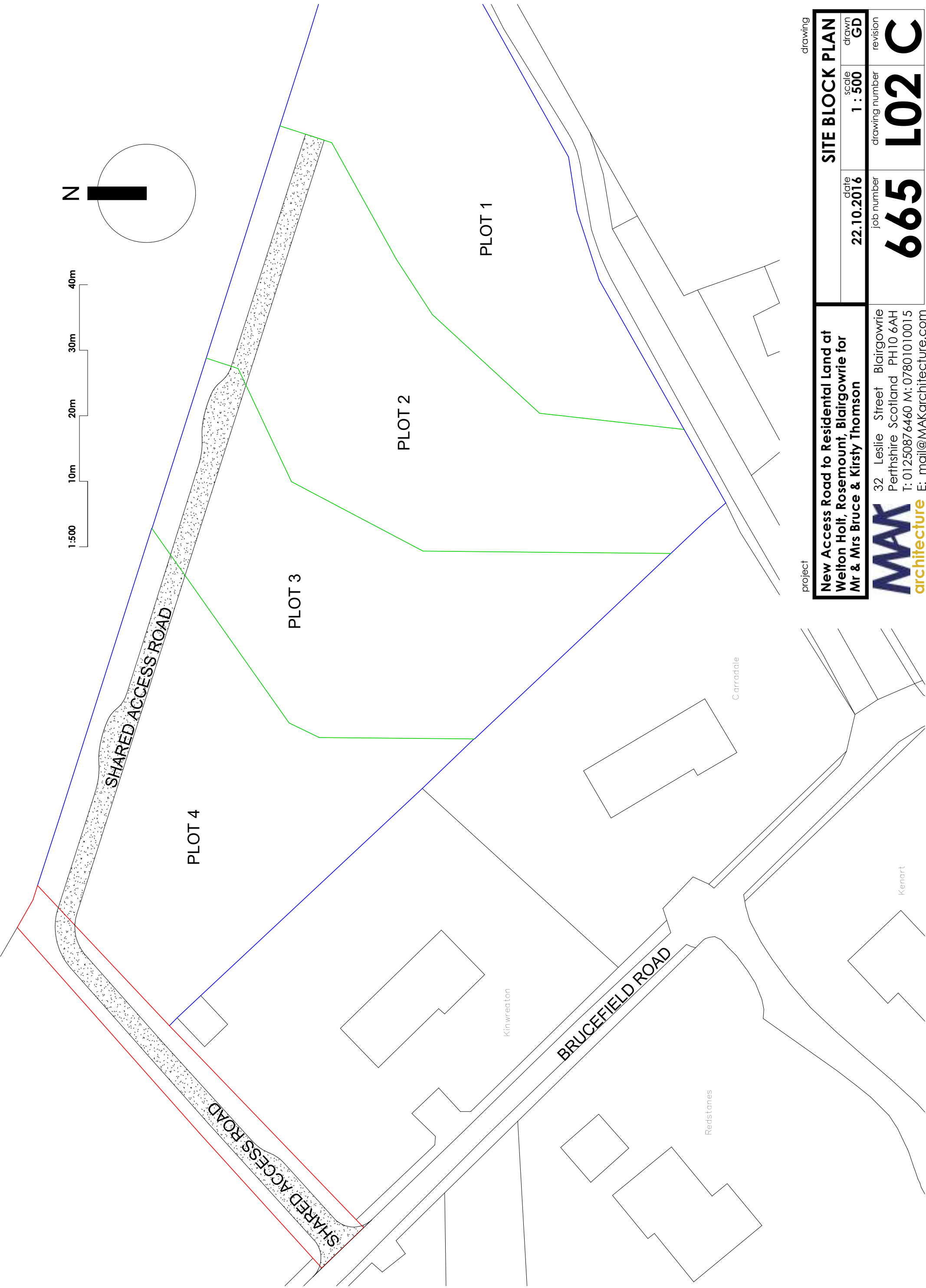
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drawing number

L01

revision

C



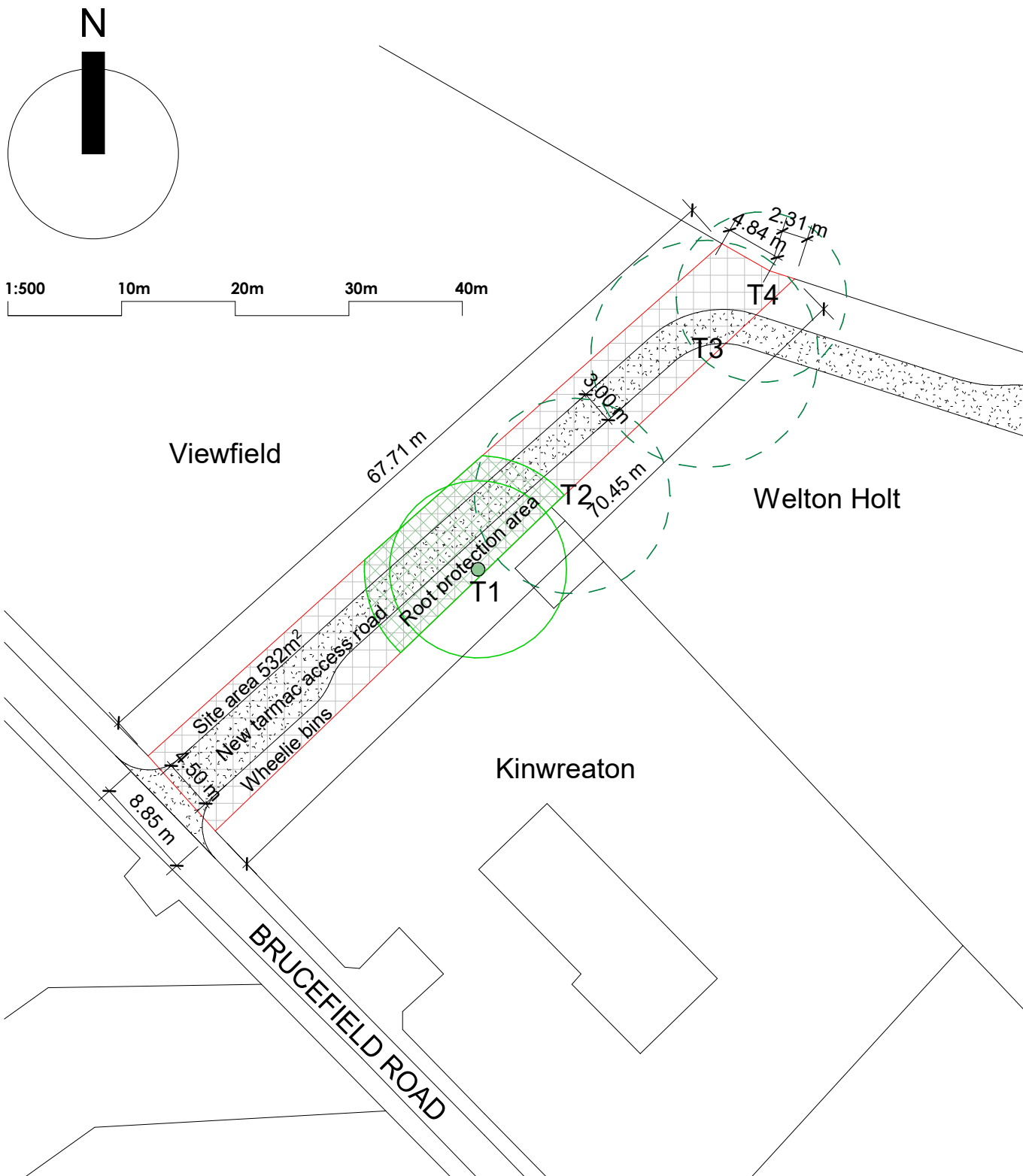
project

drawing

SITE BLOCK PLAN			
New Access Road to Residential Land at Welton Holt, Rosemount, Blairgowrie for Mr & Mrs Bruce & Kirsty Thomson		date 22.10.2016	drawn GD
		scale 1 : 500	revision
		job number 665	drawing number L02
		revision C	



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project

drawing

**New Access Road to Residential Land at
Welton Holt, Rosemount, Blairgowrie for
Mr & Mrs Bruce & Kirsty Thomson**

NEW ACCESS ROAD PLAN

date
22.10.2016

scale
1 : 500

drawn
GD

MAK
architecture

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job number

665

drawing number

L03

revision

C

Method Statement for the installation of ArborRaft Tree Root Protection System for building vehicular access paths above the RPA's of existing trees

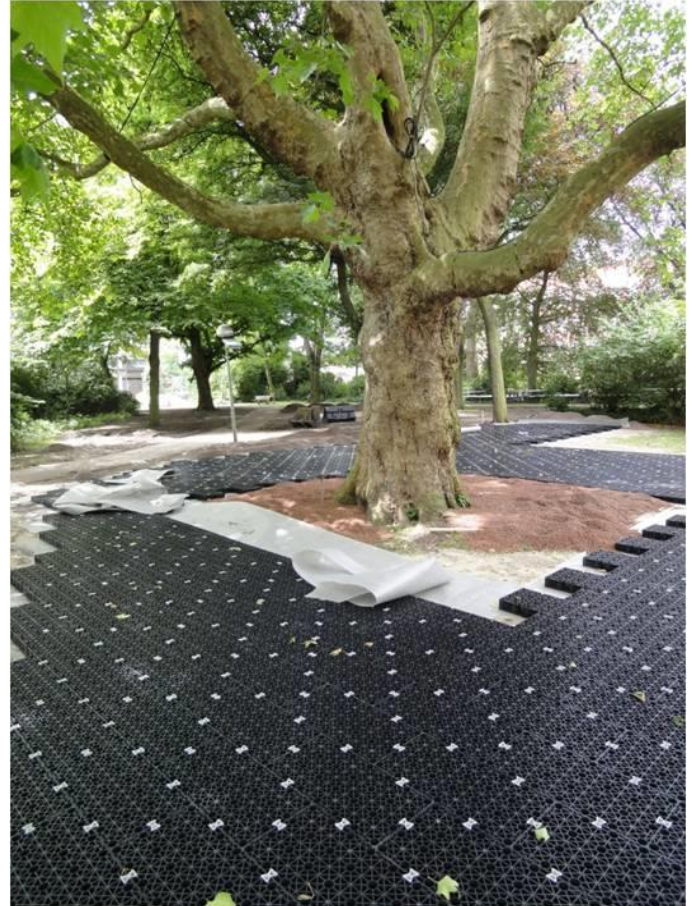
Introduction

The ArborRaft Tree Root Protection System is a combination of a modular high strength load bearing void former and separation and filter geotextiles. This document should be read in conjunction with the appropriate section drawing for the specified system, to ensure the correct installation is achieved. ArborRaft conforms to the requirements of BS5837 (2012) and APN12.

The system is available in depths of 85mm for light or non vehicular traffic applications and 150mm deep for all vehicles loadings including HGV's and Fire Tenders.

The ArborRaft units are connected together using interlocking ties to create a load bearing structural raft. The units may be built up in layers using connector pins to join vertical layers together.

(see appendix 1)



Applications

- **Footpaths, Bridleways, Bund Construction-----85mm ArborRaft**
- **Car Parks, Access Roads, Service Roads, Working Platforms-----150mm ArborRaft**

No Dig System

The ArborRaft is a no dig Tree Root Protection System, however, some preparation of the existing formation may be required prior to installation such as levelling out the formation with sharp sand to a depth of 30mm.

System Components

- **ArborRaft Units 85mm or 150mm deep**
- **Permatex 300 Separation Geotextile**

- **Surfacing Materials**

Ground Preparation

- Remove surface vegetation by hand or with suitable herbicide.
- Fill any hollows in the exposed ground and level using sharp sand.
- Place Permatex 300 Geotextile over the area to be protected ensuring laps are a minimum of 300mm

ArborRaft Tree Root Protection System

- Place the ArborRaft units side by side and connect using ties provided (See picture in appendix 1) No stone infill is required inside the ArborRaft units.
- Nutrient rich soil can be placed inside the units to improve existing soil conditions .

Surfacing Details

The ArborRaft TRP system can be surfaced with the materials listed below. Porous systems will be of greater benefit for the trees, however it is understood that this is not always possible.

Block Paving

- Place Permatex 300 Geotextile over the ArborRaft Units
- Lay sand / gravel bedding material as per manufacturer's recommendations.
- Place porous / standard blocks as per manufacturer's instructions.

Porous and Standard Asphalt

- Place Permatex 300 Geotextile over the ArborRaft units.
- Lay 30mm thick aggregate layer
- Place hot Asphalt as per manufacturer's instructions.

Resin Bound Gravels

- Place Permatex 300 Geotextile over the ArborRaft units.
- Lay Asphalt carpet and resin bound gravel to the required thickness and as per manufacturer's instructions.

SlimBlock Gravel Retention System

- Place Permatex 300 Geotextile over the ArborRaft units.
- Place 50mm bedding layer of sharp sand
- Place Permatex 300 Geotextile
- Lay Slimblock units and fill with a 10 to 14mm decorative gravel.

SlimBlock Grass Protection System

- Place Permatex 300 Geotextile over the ArborRaft units.
- Place 50mm of Rootzone (60% sand/40% soil) bedding layer and lightly tamp.
- Lay Slimblock units and fill with Rootzone mix and seed accordingly. (Please allow for 4 to 6 weeks for seed germination)

Tree Mulch

- Place Permatex 300 Geotextile over the ArborRaft units.
- Lay mulch to desired depth.

Concrete

- Place Permatex 300 Geotextile over the ArborRaft units.
- Cast the concrete slab over the geotextile.

If the system requires trafficking immediately after installation for construction purposes then a sacrificial depth of MOT Type 1 should be placed above the ArborRaft units. Depth of Type 1 is dependent on vehicle type and frequency of trafficking. For specific advice please contact our sales office.

In temporary applications the system can be installed as above and simply removed and stored for re-use on future projects.

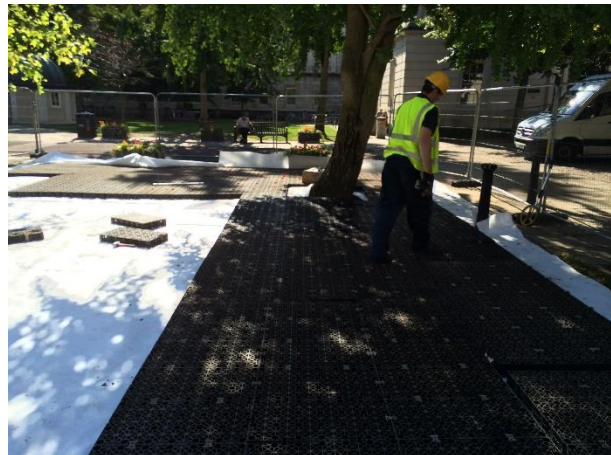
For further information or to arrange a site visit for design consultation or installation supervision, please contact Phil Tomlinson on 07712 883510 or e-mail phil@infragreen-solutions.com , alternatively contact our sales office on 01925 630976.

Appendix 1

Rolling Out The Geotextile



Laying Out The Arbor Raft



Installing Arbor Raft Two Units High



Section Of Arbor Raft Complete With Geotextile



Welton Holt, Blairgowrie

Arboricultural Impact Assessment

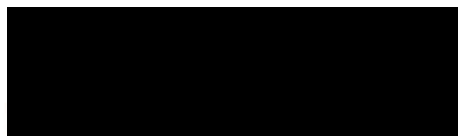


Prepared for: **Bruce Thomson**
Wood Leisure
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Prepared by: **Paul Hanson**
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Signed _____

14th April 2016

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Part 1 - Tree Survey

- 1 Scope of Survey
- 2 Survey Method
- 3 The Site
- 4 Existing Trees
- 5 Recommended Tree Works
- 6 Tree Constraints

Part 2 – Proposed Development in Relation to Trees

- 7 Development Appraisals
- 8 Arboricultural Implications Assessment

Part 3 – Arboricultural Method Statement

- 9 Tree Protection – General Measures
- 10 Site Specific Tree Protection Measures
- 11 New Hard Surfaces within RPAs
- 12 Underground Services
- 13 Arboricultural Supervision

Conclusion

Recommendations

Appendices

- 1 Tree Survey - Schedule of Trees - Survey Key
- 2 Cascade Chart for Tree Quality Assessment (BS5837:2012)
- 3 Protective Barriers (BS 5837:2012 Figure 2)
- 4 Principles of 'No Dig' Construction Close to Trees
- 5 Removal of debris near trees
- 6 Further information
- 7 Glossary

Site Plans

- Plan 1 Tree Survey and Constraints Plan
Plan 2 Tree Root Protection Area Plan

INTRODUCTION

Instructions:

- This tree survey and report was commissioned by Mr. Bruce Thomson, representing Wood Leisure Rattray, Blairgowrie, Perth, the site owner.

Terms of Reference:

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

Documents Supplied:

- Location Plan, dated 24.09.15, drawing no. L01, revision A at a scale of 1:2500.
- Site Block Plan, dated 14.10.2014, no. L02, revision A at a scale of 1:1000
- Deed Plan, dated 24.09.15, drawing no. L03, revision A at a scale of 1:500.

Part 1 TREE SURVEY

1 Scope and Limitations of Survey

- 1.1 The survey and this report are concerned with the arboricultural aspects of the site only.
- 1.2 This survey is restricted to trees that are located on the boundary of the proposed new access to the site. No other trees were inspected.
- 1.3 The survey was carried out following guidelines detailed in British Standard 5837:2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).
- 1.4 It is based on a ground level tree assessment and examination of external features only – described as the 'Visual Tree Assessment' method expounded by Mattheck *et al.* in The Body Language of Trees. Encyclopaedia of Visual Tree Assessment (2015).
- 1.5 Only trees/shrubs of significant stature were surveyed. In general, self-set trees with a stem diameter at 1.5m above ground level of less than 150mm have been excluded unless they have particular merit that warrants comment.
- 1.6 No plant tissue samples were taken and no internal investigation of the trees was carried out. No soil samples were taken or soil analyses carried out.
- 1.7 The risk of tree-related subsidence to structures has not been assessed.
- 1.8 No specific assessment of wildlife habitats has been carried out.
- 1.9 It is assumed that there may be underground services within the curtilage of the site; the report author is not aware of the specific routes of any such services.
- 1.10 This report should be read in conjunction with the Tree Constraints Plan (Plan 1), the Tree Root Protection Area Plan (Plan 2); those plans include the position of all significant trees and existing or proposed features, and is based on the plans provided by the client or other instructed professionals.
- 1.11 This report, consisting of twenty-six pages (including the cover), is the result of site investigations carried out by Paul Hanson, representing Arboretum Internationale (Limited) on Saturday 9th April 2016. The weather was bright and dry. Four significant trees were identified within and immediately adjacent to the site none have been uniquely identified as there are just four of them; for clarity they are simply numbered 1 to 4 in the tree schedule at appendix one and on the various site plans.

2 Survey Method

- 2.1 The stem diameters of single stemmed trees were measured in millimetres at 1.5m above ground level. Multi-stemmed trees were measured as separate stems also at 1.5m above ground level.
- 2.2 The height of each tree was measured using a digital/laser clinometer.
- 2.3 Crown radii were measured across the cardinal points.
- 2.4 Where access to trees was obstructed or obscured, measurements and dimensions have been estimated.
- 2.5 Each tree has been assessed in terms of its arboricultural, landscape, cultural and conservation values in accordance with BS 5837 and placed within one of the four following categories:

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

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

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

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

- 2.6 Whilst the assessment of a tree's condition is a subjective process, Table 1 of BS5837 (see appendix two) gives clear guidance on the appropriate criteria for categorising trees and, in particular, the factors that would assist the arboriculturist in determining the suitability of a tree for retention. BS 5837 makes a clear distinction between trees on development sites and trees in other situations where the factors that determine the retention and management of trees may be different.

3 The Site

- 3.1 The site is located on the east side of Brucefield Road, Blairgowrie, with residential properties adjoining the northern and southern boundaries of the site and open agricultural ground to the east. The site is an area of level ground, within which there are several large trees on the boundary of the proposed new access route, and several other trees in a line on the boundary that appear to be the remnants of an overgrown derelict hedge. With regards to the planning application, Wood Leisure is the applicant for the site.
- 3.2 The site is readily accessed by pedestrians directly from Brucefield Road, a public highway on the western boundary of the site. The current vehicle access is taken through agricultural tracks from the east. It is separated from the

adjacent properties through various boundary treatments including fencing and hedging. The trees and the wider landscape on site appear to have been minimally managed to date.

- 3.3 There are a number of individual mature trees and shrubs within and adjacent to the site that have not been included herein; for the purposes of this survey these trees are considered not be affected by the current development proposals.

4 Existing Trees

- 4.1 Four, significant, individual trees were identified in the survey; three are growing within the site and one is located within the proposed access immediately adjacent to the boundary with 'Kinwreaton'; all are included in the Tree Schedule at appendix one as they may, potentially, be affected by the proposals or their presence may have some other bearing on the development or appearance of the site.
- 4.2 At this time Arboretum Internationale is not aware of any planning restrictions pertaining to any of the trees on site.
- 4.3 NOTE: Where full access to any trees located in adjoining properties was not available then this assessment is based upon observations made from within the site or other public places.
- 4.4 Three trees have been graded as Category U; i.e. in a condition that compromises safety on this site, and they are identified herein for removal.
- 4.5 One tree is graded as Category A; that is a tree of high quality and value that can be retained for at least forty years or more.
- 4.6 The tree population on site was not considered in relation to wildlife habitat in terms of wider conservation. There did not appear to be any typical bat roosts sites nor were any other readily obvious indicators present of other threatened species. Whilst the invertebrates feeding on the trees are likely in turn to fall prey to bats there are many trees in the immediate vicinity and only those considered to be dangerous are identified for removal, minimising the loss of habitat.

5 Recommended Tree Works

- 5.1 In accordance with recommendations in BS5837, the tree survey schedule (appendix one) includes preliminary recommendations for works, amongst others, that should be carried out in the interests of good arboricultural practice within the timescales described herein.
- 5.2 These recommendations are made in the knowledge that the site is the subject of development proposals and that the nature and extent of works would not perhaps be appropriate if the future use of the site were different. For example BS5837 recommends that any trees 'in such condition that their existing value

would be lost within ten years' should be removed (i.e. Category C), this may not be appropriate in areas where development is not being considered.

- 5.3 It is emphasised that any recommendations for tree works are of a preliminary nature and are made with reference to general safety and development proposals only. Further assessment of tree work requirements in relation to an approved development may be required.
- 5.4 Before authorising these, or any other tree works, the local planning authority should be consulted as there may be planning restrictions relating to trees. Where restrictions apply to tree works then any necessary consent should be obtained before works are carried out.
- 5.5 It is also essential that the ownership of any boundary trees is verified prior to proceeding with any recommended works.
- 5.6 All tree works should be carried out in accordance with the current version of British Standard 3998: 'Tree work - Recommendations' and by a suitably qualified and insured tree contactor.

6 Tree Constraints

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

Part 2 ARBORICULTURAL IMPLICATIONS ASSESSMENT

7 Development Appraisal

- 7.1 The proposed development involves the adoption of an existing access into the site from Brucefield Road to the west and the formation of a single dwelling. The significant trees on site that are worthy of retention need not be affected by the construction aspect of the development if the protection measures described herein are adopted.
- 7.2 The proposed development is arboriculturally feasible with potential benefits and arboricultural net gain realised through proactive site ownership rather than the current unmanaged situation.
- 7.3 Arboretum Internationale has not been provided with details of any existing or proposed new underground services for the site.
- 7.4 It appears feasible under the current proposals to adopt a construction method that is conducive to tree retention.

8 Impact on Existing Trees

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

8.2 Tree removals and pruning to facilitate the development.

8.2.1 The proposed development of this site requires the removal of three individual significant trees in the interests of safety and good silvicultural management.

8.2.2 The tree cover identified for retention has a relatively long safe useful life expectancy and is entirely in keeping with the local tree population.

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

8.3 Encroachment within Root Protection Areas (RPA)

8.3.1 The tree survey and tree constraints plan (Plan 1) that form the first part of this report provide details of the extent and disposition of RPAs of all trees to be retained, including any offsetting that is considered appropriate in relation to specific site conditions.

8.3.2 Ground works to prepare the existing ground for construction within or close to RPAs could, potentially, cause damage to trees and it is essential that

this is carried out in a manner that prevents materials spilling onto unprotected soils within RPAs and avoids excessive excavation or other forms of damage to underlying soils such as compaction.

8.3.3 Works required to formalise access to the site from Brucefield Road have the potential to cause damage to trees. The use of construction techniques to ensure that the access can be improved with a minimal amount of excavation will avoid damage being sustained by adjacent trees. To minimise impact on trees generally any excavations within the RPAs should be carried out by hand and limited to the smallest possible dimensions.

8.4 Underground Services

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

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

Part 3 ARBORICULTURAL METHOD STATEMENT

9 Tree Protection - General Measures

- 9.1 BS5837 requires that the RPA of all retained trees are protected from the effects of development by the installation of protective barriers. It should be noted however, that the position of these barriers may also be influenced by the presence of any tree canopies that extend beyond the RPA and that could be damaged by construction works or where it is desirable to protect areas for future tree planting.
- 9.2 In addition to protecting retained trees, BS 5837 recommends that areas of the site in which new or replacement tree planting is proposed should also be protected from the effects of construction.
- 9.3 Protective barriers to demarcate the 'Construction Exclusion Zone' (CEZ) should be installed prior to the commencement of any construction works, including clearance or demolition. They should be maintained for the duration of the works. All weather notices should be erected on the barriers with words such as 'Construction exclusion zone – Keep out'. Protective barriers should be in accordance with Figure 2 of BS5837:2012 (or similar accepted), a copy is included as Appendix 3.
- 9.4 The preferred positions of protective barriers should be at or beyond the boundary of the RPAs as described in the Tree Root Protection Area Plan included below as Plan 2.
- 9.6 The area within the CEZ is to be regarded as sacrosanct and protective fences and barriers should not be taken down without the written approval of the Local Planning Authority, or where present, the supervising Arboricultural Consultant.

9.7 Ground Protection

- 9.7.1 Where it is necessary, for the construction operation, to permit vehicular or pedestrian access within the RPA, for example to erect scaffolding, retained trees should be further protected by a combination of barriers and ground protection.
- 9.7.2 Ground protection should be of sufficient strength and rigidity to prevent disturbance or compaction to the soil underneath. In areas of heavy and/or continued usage it is advised that the protection plates or mats are linked or connected and that they are placed over a bed of bark or wood chippings (100 to 150mm depth).
- 9.7.3 Contamination of the soil by any substances should be prevented by the use of geotextile fabric.
- 9.7.4 Do not raise or lower soil levels or strip topsoil around trees - even temporarily.
- 9.7.5 Avoid disturbing the natural water table level.

9.7.6 Do not light fires near trees.

9.7.7 Do not attach notice boards, telephone cables or other services to any part of a tree.

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

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

10 Site Specific Tree Protection Measures

- 10.1 Prior to the commencement of any other works, any tree pruning or removal works specified herein, should be carried out by an appropriately qualified and insured tree contractor and in accordance with BS 3998: 2010 'Tree work - Recommendations'.
- 10.2 Following all preparatory tree and vegetation clearance works, tree protection barriers and any ground protection in accordance with BS 5837:2012, Figure 2 (appendix three) shall be installed in permanent positions in accordance with the RPAs described in Plan 2, and shall remain in place for the duration of the construction works.
- 10.3 The position of any site huts, materials storage, and any on site car parking for contractors should be clearly identified. These should be outside root protection areas unless special arboricultural advice is obtained and any recommended additional tree protection measures implemented.
- 10.4 Whilst some works within RPAs may be necessary, great care shall be taken to remove just that length of protective fencing required to facilitate the works and to ensure that it is re-installed immediately upon completion. When new surfaces are completed these may be used for access purposes however precautions to prevent the spillage or leaching of materials into underlying soils shall be implemented. Under no circumstances shall vehicles travel across or materials be stored upon unprotected soils within RPAs.
- 10.5 Tree protection measures shall remain in place until completion of the development; they may only be removed to facilitate post development landscaping.

11 New Hard Surfaces within RPAs

- 11.1 Any construction of new access and/or parking area to the site shall be carried out by building above existing levels using a 'no dig' methodology that incorporates a cellular confinement system to provide stability (appendix four). In addition, the use of permeable materials will allow the passage of moisture and essential gasses through to existing roots below; this will also help to preserve a suitable rooting environment for any new planting.
- 11.2 Where access within RPAs may be required for construction purposes, these surfaces should either be formed at the beginning of the construction period or robust ground protection installed that has sufficient strength and rigidity to withstand any expected loading without causing compaction or other damage to the ground below. Under no circumstances should construction traffic be permitted to travel across unprotected ground within RPAs.
- 11.3 The principles of 'no dig' construction close to trees are explained in appendix four and in APN 12 'Through the Trees to Development' published by the Arboricultural Advisory and Information Service (APN 12). The final specification shall be determined by a suitably qualified engineer in conjunction with the arboriculturist.

12 Underground Services

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

13 Arboricultural Supervision

- 13.1 The Arboricultural Consultant shall attend an initial site meeting with the Project Manager and the Site Manager prior to the commencement of **ANY** works on site. At this meeting the programme of works will be reviewed and an outline schedule of visits by the Arboriculturist will be determined and agreed.
- 13.2 Site visits by the Arboriculturist should coincide with key stages of the development and in particular:
 - Any preliminary arboricultural works or site clearance
 - The installation of tree protection measures
 - Any works within CEZs such as the removal of hard surfaces or
 - installation of underground services or new hard surfaces.
 - Any change in site or project manager personnel

- 13.3 This schedule may be subject to later review and may be influenced by unforeseen events or where there has been a failure in the maintenance of approved tree protection measures.
- 13.4 A copy of the outline schedule of visits by the Arboricultural Consultant will be submitted to the LPA for their records who will be informed by phone, email or in writing of any changes, variations or amendments.
- 13.5 Particular attention must be given to any works of any nature that have to be undertaken within CEZs. These must be carried out under the direct supervision of the Arboriculturist.
- 13.6 The Arboriculturist should be available to attend any site meetings at the request of the LPA.
- 13.7 In addition, the Arboriculturist should be available in the event that any unexpected conflicts with trees arise.
- 13.8 The Arboriculturist should keep a written log of the results of all site inspections and note any changes to the schedule of site visits. Any contraventions of the tree protection measures or other incident that may prejudice the well being of retained trees shall be brought to the attention of the site manager in the form of a written report. Copies of the inspection log and any contravention reports will be available at the site for inspection by the Local Planning Authority at all times.

14 CONCLUSION

- 14.1 These development proposals have been assessed in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).
- 14.2 The proposed development requires the removal of three trees.
- 14.4 Retained trees must be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works.
- 14.5 The strict observance of the Arboricultural Method Statement, together with any additional guidance from the arboriculturist will ensure the successful integration of these proposals with retained trees.

15 RECOMMENDATIONS

- 15.1 The works specified in the schedule of tree works at Appendix 1 should be carried out in the interests of good arboricultural practice and are not necessary to facilitate the development.

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

Appendix 1

Schedule of Trees

'Tree no.' Utilises nos. T1 to T4 inclusively.

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

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

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

'Crown height' This figure recorded in metres reflects the average height of the tree canopy above ground level.

'Diameter at Breast Height' (single DBH): this measurement, recorded in millimetres, has been taken with a girthing tape at 1.5m above ground level except; where a measurement was taken at a different height that height is recorded below the figure given for the DBH; where the DBH was estimated (to the nearest 5cm) the measurement is preceded by the letter E; where more than one stem was measured this is denoted below the DBH as a number followed by the letter S e.g. 4S. Where an 'x' appears in this column the figures have not been calculated as the tree is identified for removal. Where parts of this column are 'greyed out' there is no requirement for any information.

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

'Crown Spreads' where included have been determined by measuring the longest horizontal distance from vertically beneath the edge of the canopy to the stem of the tree at the four significant compass points. Where an asterisk precedes the figure this indicates that it has been estimated. An 'x' indicates that no measurement was taken

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

'Management Recommendations': generally, where practical tree-work operations are recommended, it is expected that these will be carried out to the British Standard BS 3998:2010 'Recommendations for tree work' as a minimum.

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

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

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

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

[illegible]

Appendix 2

Cascade chart for tree quality assessment

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

Trees unsuitable for retention (see Note)

Category U

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

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

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

Trees to be considered for retention

Category A

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

Category B

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

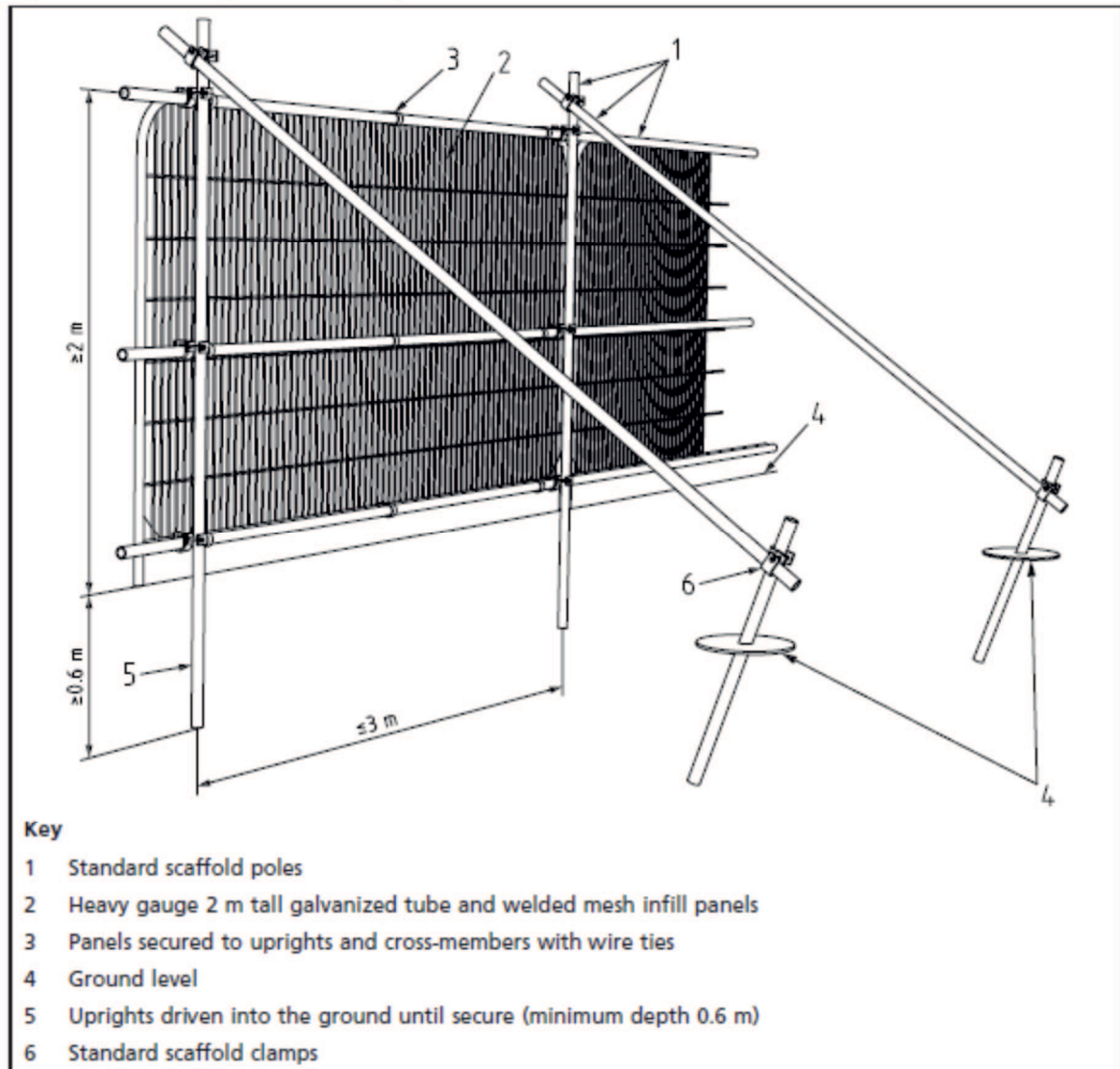
Category C

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

Appendix 3

BS5837: 2012 Figure 2

Figure 2 Default specification for protective barrier



Appendix 4

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

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

Important points to remember about tree roots:

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

'No dig' hard surfaces near trees should:

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

Construction principles:

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

Appendix 5

Removal of Debris Near Trees

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

Appendix 6

Further Information

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Anon (2012)	British Standard Recommendations for Trees in relation to design, demolition and construction BS 5837: 2012 British Standards Institution, 2 Park Street, London W1A 2BS
Anon (2011)	Common sense risk management of trees, Guidance on trees and public safety in the UK for owners, manager and advisers. Forestry Commission Publications, 231 Corstorphine Road, Edinburgh, EH12 7AT
Anon (2010)	British Standard Recommendations for Tree Work BS 3998 British Standards Institution, 2 Park Street, London W1A 2BS
Anon (2007)	National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees One Castle Lane, London, SW1E 6DR
Anon (2007)	Arboricultural Practice Note 12 'Through the Trees to Development Alice Holt Lodge, Wrecclesham, Farnham, Surrey, GU10 4LH
Anon (2005)	The Work at Height Regulations 2005 HMSO, The Stationery Office, 71 Lothian Road, Edinburgh EH3 9AZ
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Schwarze F.W.M.R. Engels J. Mattheck C. (2000)	Fungal Strategies of Wood Decay in Trees Springer-Verlag Berlin Heidelberg
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Mitchell A. (1989)	The Trees of Great Britain and Northern Europe Collins, Grafton Street, London

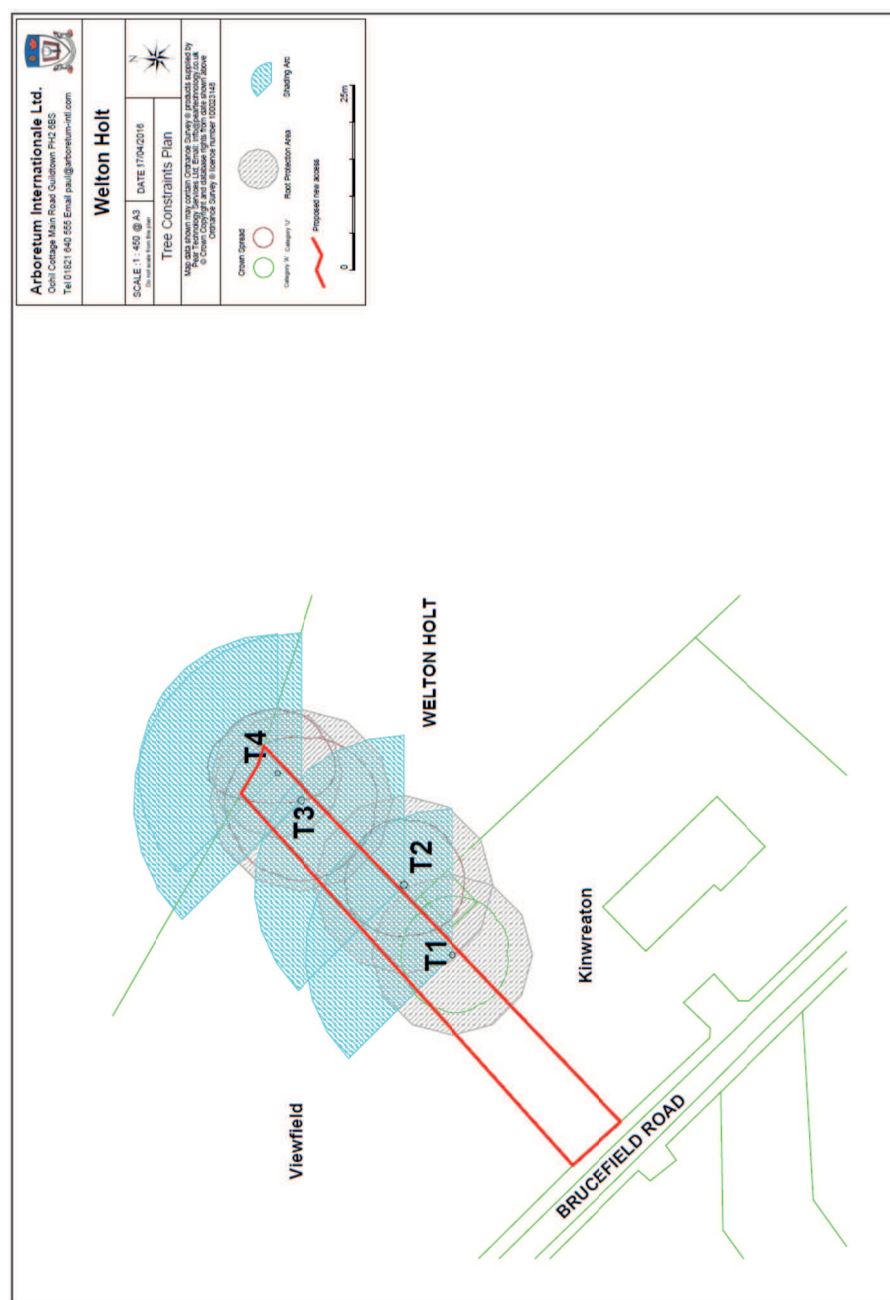
Appendix 7

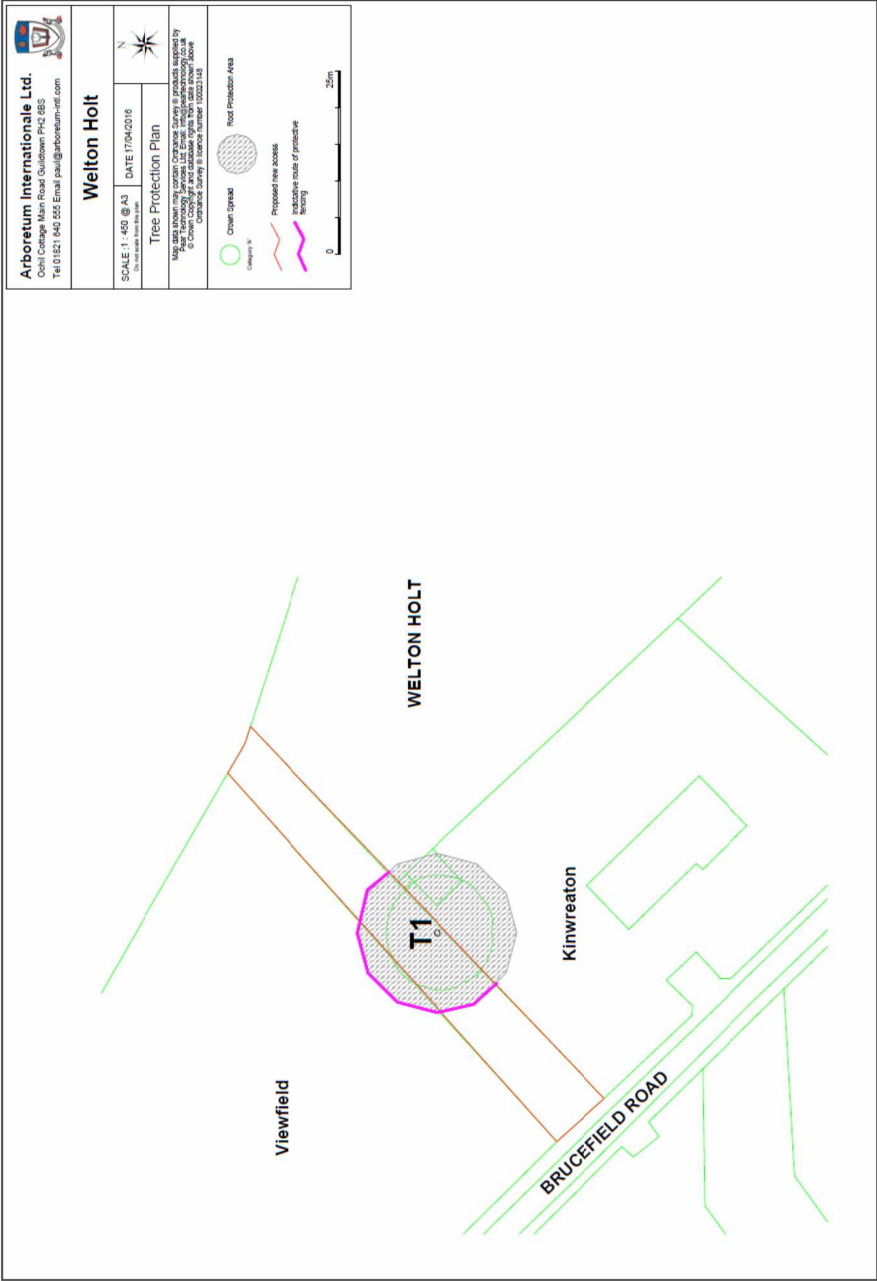
Glossary

Terms used with specific arboricultural meaning.

AFAG	Arboriculture And Forestry Advisory Group – the body charged by the HSE with producing industry best practice guidance for the forestry and arboriculture industries.
Canopy/crown	The limbs and branches of a tree from above the stem or bole.
Compression fork	A non-shape optimised branch union, often associated with included bark, which is considered a structural defect.
Crown die – back	An accumulation of dead twigs and small branches at the periphery of the canopy, often associated with impaired root-function.
FISA	Forest Industry Safety Accord – under the guidance of HSE tasked with producing industry best practice guidance for the forestry industry.
<i>Kretzschmaria deusta</i>	A species of wood-decaying fungus, causing a soft rot of the roots and stem-bases of affected trees, leading to an increased risk of brittle fracture.
Root flare / Buttresses / Collar	Swollen area at the base of the tree where the stem merges with the roots at the soil surface.
Scaffold branch	One of the major branches which form the main structural framework of a tree's crown.
VTA	(Visual Tree Assessment) a ground-based investigation looking for tree defects based on the principle that a tree is a self-optimising structure, which attempts to maintain even stress over its entire surface by preferentially adding wood to overloaded areas (weak points). This additional wood shows up as abnormal bulges whose significance the VTA inspector is trained to determine through comparison with a normal (undamaged) tree.

Site Plans





**TCP/11/16(476) – 16/01865/FLL – Formation of access road
on land 60 metres East of Kinwreaton, Brucefield Road,
Blairgowrie**

REPRESENTATIONS

AMB
RECEIVED

23 NOV 2016

CAROL AND CHARLES BISSET

KINWREATON
BRUCEFIELD ROAD
BLAIRGOWRIE
PH10 6LA

19/11/16

DEAR SIR

PLANNING APPLICATION 16/01865/FLL
OBJECTION RE FORMATION OF A VEHICULAR ACCESS ROAD TO LAND
60 METRES EAST OF KINWREATON, BRUCEFIELD ROAD, BLAIRGOWRIE

We would like to explain our objections to the proposed application for vehicular access to the plot 60 metres east of Kinwreaton.

Previous planning application for 4 houses in the Welton Holt was only granted on the understanding that no access was allowed from Brucefield Road and a perfectly adequate access was agreed from the Welton Farm to access these plots.

BRUCEFIELD ROAD VOLUME OF TRAFFIC

We object on the grounds that Brucefield Road is a narrow single track road which already has a volume of traffic which makes it a danger to negotiate. Having another access road which services 4 new properties will certainly add to the level of danger both as these cars enter Brucefield Road from the access road and in meeting other traffic on blind corners.

There is clearly a safe limit to the number of vehicles which can use Brucefield Road.

Please note that G S Brown has already been granted planning permission for another 6 houses at 2 plots in Brucefield Road.

NO ACCESS ALLOWED FOR BACK LAND DEVELOPMENTS

Previous applications for new buildings off Brucefield Road have been refused for this reason (and was quoted most recently when an application 16/00379/IPL for one new house was made at Greenland, Brucefield Road) The Planners Decision Document stated that it was a " clear example of undesirable back land development which is normally resisted by the council "

BEECH TREES

To enable this access road to be formed three large beech trees (which are at least 100 years old and a significant feature of Brucefield Road) are to be removed and the other large tree is to be retained but pruned by removing branches up to the level of 5.2 metres. Work also mentions protecting the roots some of which are actually in our property..

We would strongly advise planners to visit the site and view these trees because damage to their stability would put our property in great danger (particularly a new garage completed November 2016)

The trees are a habitat for red squirrels and many birds .

We feel strongly that all of these large mature trees should be retained . The applicants tree report states that the 3 trees that are to be felled are category U which infers that they can be retained safely for at least another 10 years.

The tree survey also states that this new access route is for one house only whereas the planning application form states it is for 4 houses . This ambiguity needs to be clarified .Access for 4 large houses will generate a significant amount of extra traffic

PLAN TO SITE BINS ON BRUCEFIELD ROAD.

The applicants plan to site the bins for the 4 houses at the junction of the new access road with Brucefield Road will be a serious eyesore. No other resident stores their bins at locations that can be seen from the road and as such this is unacceptable

IN SUMMARYOUR CONCERNS ARE :

- 1 GRANTING PERMISSION FOR THIS ACCESS ROAD IS SETTING AN UNDESIRABLE PRECEDANT**
- 2 THE SIGNIFICANT IMPACT ON EXISTING TREES**
- 3 THE IMPACT ON RESIDENTIAL AMENITY**
- 4 VERY MAJOR ROAD SAFETY ISSUES**
- 5 THE IMPACT ON BIODIVERSITY**

We look forward to hearing your opinion on this application.

Yours Sincerely



Comments for Planning Application 16/01865/FLL

Application Summary

Application Number: 16/01865/FLL

Address: Land 60 Metres East Of Kinwreaton Brucefield Road Blairgowrie

Proposal: Formation of a vehicular access road

Case Officer: Andrew Baxter

Customer Details

Name: Mr James Scott

Address: Torrisdale, Brucefield Road, Blairgowrie PH10 6LA

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Loss Of Trees
- Road Safety Concerns

Comment:1. Assessment of tree condition is a subjective process (tree Survey 2.6) There has been no noticeable change in the 4 trees which are the subject of the report in the last 18 and more years. They are part of the local scenery and should be retained.

2. The Tree Survey does not comment on whether the stability of Tree No1 might be affected by pruning the canopy up to 5.2m in height and felling trees 2, 3 and 4.

3. Brucefield Road, though now "adopted" after an upgrade partially paid for by residents, is still a narrow road widely used by walkers, dog and pram walkers and cyclists. It is not suitable for numbers of heavy lorries and construction traffic. If the application is to be approved, a condition should be that all construction traffic use the alternative access from Welton Road, the original access which was agreed by PKC in granting permission for the housing development.

RECEIVED

24 NOV 2016

Brucefield Cottage,

Brucefield Road

Blairgowrie,

Ph10 6LA

23rd November, 2016

Director of Planning & Development,
Perth & Kinross Council,
Pullar House,
35, Kinoull Street
Perth.

Dear Sir,

Ref No 16/01865/FLL

Re Vehicular access road at land 60metres east of "Kinwreaton", Brucefield Road, Blairgowrie.

With reference to the above application, I wish to make several points of objection.

Firstly, the initial application for development at this site, was granted on the clear understanding that there would be NO access from Brucefield Road. The applicant subsequently constructed an access at the other end of the site by upgrading the farm road from the Welton Farm. This would appear to make any access from Brucefield Road unnecessary.

Secondly, the applicant is proposing to remove several mature trees. These add to the local amenity of the area and provide valuable habitat for wildlife. Inevitably, construction of an access road would also involve the destruction of a lovely area of wild Spring flowers, which gladden the hearts of the locals each year. To my mind, such destruction of trees and natural habitat, for the purpose of construction of a road which is not essential, would, quite simply, be an act of extreme vandalism.

Thirdly, further vehicular egress, particularly by construction traffic, by way of an unsuitable and unsighted entrance onto a narrow road such as Brucefield, where there are many walkers, cyclists and horse-riders, would inevitably be hazardous.

Finally, a planning request earlier this year from another property on Brucefield Road, was rejected on the grounds that there should be no further Backland development with access from Brucefield Raod.

To sum up, I hope that I have demonstrated that an access road at this location would be unsightly, dangerous, and , above all, unnecessary.

Yours faithfully,

A large rectangular area of the document is redacted with a solid black box. This box is surrounded by a thick, hand-drawn orange border, which appears to be a correction or emphasis mark.

Catriona Innes. (Mrs)

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01865/FLL	Comments provided by	Niall Moran
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Formation of a vehicular access road		
Address of site	Land 60 Metres East Of Kinwreaton Brucefield Road Blairgowrie		
Comments on the proposal	<p>The proposed access is to be taken from Brucefield Road that has relatively recently been adopted by the Council as Roads Authority and added to the list of public roads.</p> <p>While, in principle, I have no objection to a private access being formed at this location, I have concerns over a number of issues that require to be addressed before I could recommend approval.</p> <p>The width of the main section of the access is unlikely to conform to the requirements for emergency vehicle access and the width of the flared section adjacent to the junction with Brucefield Road is insufficient to allow vehicles to pass. This section should be widened to a minimum of 5.5m. I would also wish to see a passing place formed at the bend of the access road to ensure intervisibility of the passing places.</p> <p>The applicant has also not indicated the available visibility splays from the new access. At this location, I would wish to see a minimum splay of 2.4m x 46m (based on the 30mph speed limit) and this should be shown on the submitted drawings to ensure that it is achievable using land within control of the applicant.</p> <p>I would also note that no turning facilities within the site are shown but this aspect is outwith the application boundary so would be addressed as part of subsequent applications.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			

Date comments returned	29 November 2016

From: David Williamson
Sent: 05 December 2016 12:13
To: Andy Baxter
Subject: RE: Consultation

Hi Andy,

I note the tree survey does not consider there to be any potential bat roosts on the trees to be felled. It may be prudent for the applicant to commission an ecologist to confirm that there are no bat roosts or squirrel dreys in any of the trees to be felled, although red squirrels are more likely to build dreys in conifer trees.

Based on the information in the tree survey report I think an informative would be sufficient, although I notice objections raise the issue of wildlife I think a condition for the timing of the felling would suffice.

- No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

RNE01 Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

Regards,

David

*David Williamson
Biodiversity Officer - Planning and Development
Perth and Kinross Council*

Every Council Officer has a duty under the Nature Conservation (Scotland) Act 2004 to conserve and enhance biodiversity



From: Andy Baxter
Sent: 01 December 2016 07:56
To: David Williamson
Subject: Consultation

Hi David,

When you have a moment, can you please have a quick look at 16/01865/FLL, and let me have your thoughts?

Many thanks,

Andy

KINWREATON
BRUCEFIELD ROAD
BLAIRGOWRIE
PH10 6LA
18/06/17

Dear Gillian

Town & Country Planning (Scotland) Act 1997

Application ref : 16/01865/FLL- Formation of access road on land 60 metres East of
Kinwreaton, Brucefield Road, Blairgowrie – Mr B Thomson

I refer to the above application.

1 All previous points detailed in our original letter of objection still apply . We would strongly agree that allowing further access points to Brucefield would compromises road and pedestrian safety to an unacceptable degree. There are many pedestrians who use this road and this includes elderly people , dog walkers, Mothers and children with prams and horses when it is used for the Riding for the Disabled group.

2 We would like to emphasize the dangers of increased traffic on Brucefield Road as there have been a number of accidents over the past few years . At least 3 of these have been significant enough to have involved the police . Introducing a further “ Blind Entrance “ will just increase the danger level.

3 Removal of large well established trees would de-stabilise the surrounding area and spoil the scenic nature of the area.

4 When planning permission for the houses was granted the developer and P & K Council agreed on the access being from Welton Farm to Welton Holt site. If this access was agreed as being perfectly adequate why should this be changed ?

I look forward to hearing your response.

Yours Sincerely,



Charles Bisset



Carol J H Bisset

CHX Planning Local Review Body - Generic Email Account

From: Gordon Darge <Gordon@makarchitecture.com>
Sent: 12 July 2017 13:55
To: CHX Planning Local Review Body - Generic Email Account
Cc: Bruce Thomson; ken.pirie@millardconsulting.co.uk
Subject: 16/01865/FLL – Formation of access road on land 60 metres East of Kinwreaton, Brucefield Road, Blairgowrie – Mr B Thomson
Attachments: 665 crashmap.jpg; 17.06.18 - LRB Representation (Bissett).pdf

Dear Sirs,

Local Review Body Case 16/01865/FLL

Formation of access road on land 60 metres East of Kinwreaton, Brucefield Road, Blairgowrie – Mr B Thomson.

Thank you for your letter of the 6th July enclosing the representation that you received from Mr & Mrs Bisset.

While we do not agree with the Bisset's opinions (PDF attached), as evidenced by our original LRB submissions, my client wishes to challenge the factual basis of the Bisset's second point that *"there have been a number of accidents over the past few years. At least 3 of these have been significant enough to have involved the police."* We have researched on CrashMap, traffic accident statistics for Brucefield Road for the last 18 years, and can find no evidence of any slight, serious or fatal accidents on Brucefield Road during that period.

Attached is a JPG extract of the accident statistics for Blairgowrie from www.crashmap.co.uk. CrashMap uses data, collected by the police, about road traffic crashes occurring on British roads where someone is injured, which is then compiled in to an easy to use format showing each incident on a map. This data is approved by the National Statistics Authority and reported on by the Department for Transport each year. Incidents are plotted to within 10 metres of their location. The data includes all incidents up to the end of the previous year and is updated as soon as the latest data is released by the Department for Transport.

Thank you for your consideration.

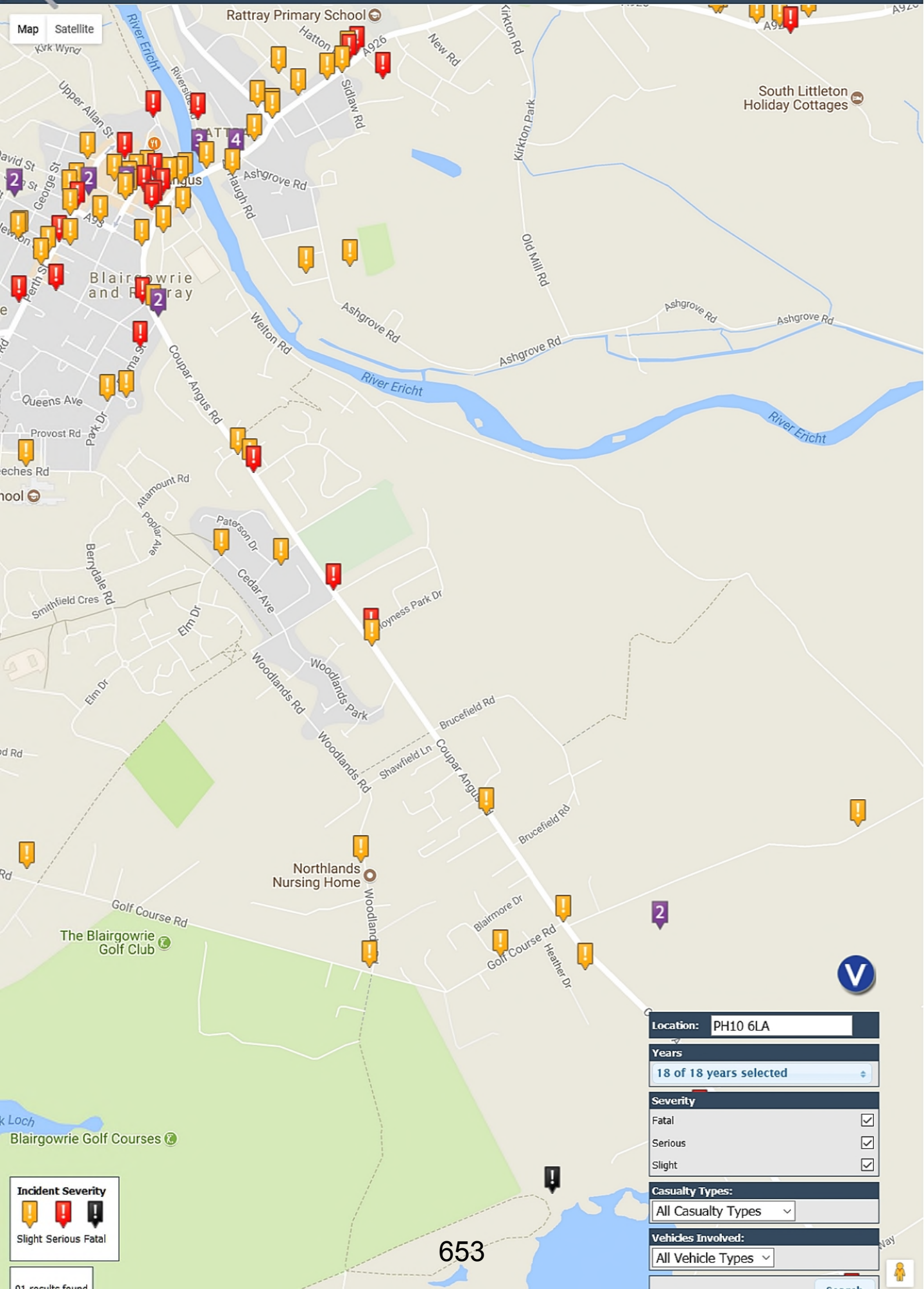
Yours faithfully,



Gordon Darge B.Arch(Hons) Dip.Arch. RIAS



MAK architecture 32 Leslie Street Blairgowrie Scotland PH10 6AH
T 01250876460 | M 07801010015 | E gordon@makarchitecture.com



Map Satellite

Incident Severity

Slight Serious Fatal

Location: PH10 6LA

Years

18 of 18 years selected

Severity

Fatal ☒

Serious ☒

Slight ☒

Casualty Types:

All Casualty Types

Vehicles Involved:

All Vehicle Types

Search

653

TCP/11/16(476) – 16/01865/FLL – Formation of access road on land 60 metres East of Kinwreaton, Brucefield Road, Blairgowrie

FURTHER INFORMATION

- Written submission from Community Greenspace, dated 15 August 2017
- Written submission from Planning, dated 29 August 2017
- Written submission from Transport Planning, dated 29 August 2017

From: Jane Pritchard
Sent: 15 August 2017 11:17
To: Gillian Taylor
Cc: Andy Clegg
Subject: FW: TCP/11/16(476)

Hello Gillian,

I am responding to the attached request for information in relation to point (vi)

- (vi) the Council's Community Greenspace Department be requested to provide information on the existence of any core paths relative to the application and the retention and maintenance of any such paths should Planning permission be granted for the proposal;

The proposed new access road in question is not a core path or right of way however as shown by the map snip below there is an asserted pedestrian right of way (15/17/32 Path from Parkhead Road to Coupar Angus Road via Rear of 'Hillspark' Rosemount)) passing along Brucefield Road to the south west of the proposed new access road.

We are not aware whether local people use this route but as you can see there is a core path link from Brucefield Road further to the south.



I hope this provides the information you require.

Jane Pritchard
Policy Coordinator
Community Greenspace



(Please note I do not work on Fridays.)



CHX Planning Local Review Body - Generic Email Account

From: Andy Baxter
Sent: 29 August 2017 10:02
To: CHX Planning Local Review Body - Generic Email Account
Subject: Brucefield Road, Coupar Angus (TCP/11/16 (476))

Dear Sir / Madam,

Application Ref: 16/01865/FLL – Formation of access road on land 60 metres East of Kinwreaton, Brucefield Road, Blairgowrie – Mr B Thomson

I refer to the above, and your letter dated the 14 August 2017.

To answer yours in turn,

1. Point (ii), the letter from Millard's raises a number of issues, however I would like to comment on a few of the key elements which are not addressed elsewhere,
 - a. Planning consent would be required for the new access. There is not a formalised vehicular access currently from the public road, so I'm unsure why Millard's consider this proposal to be an 'upgrade' to an existing access and not a new one.
 - b. As this is a proposal for new vehicular access, the Council needs to assess it against its current standards. It is welcomed that Millard's agree with this position.
 - c. There would be no permitted development rights to create a surfaced access onto Brucefield Road. Planning permission would be required.
 - d. Whether the applicant wishes to obtain a legal opinion on whether or not an existing vehicular access exists is their choice.
 - e. The Council followed the required protocols when adopting Brucefield Road. It would appear that Millard's are questioning this, and to this end, I would suggest that a detailed response is perhaps sought from the Council's Transport Planning Team
 - f. The visibility at the new access, which could reasonably be deliverable, is unacceptable and not in accordance with either the National Roads Development Guide or Designing Streets.
2. Point (ii), Millard's will fully aware that the National Roads Development Guide states that for developments of 6 or more residential units, a "road" to adoptable standards would be required. To this end, the normal maximum number of units that can be served by a "private access" is limited to 5. In the event that this proposal was supported, the access would have to be made up to an adoptable standard for it to connect to the larger housing site.

I trust this assists,

Andy Baxter
Planning Officer

From: Niall Moran
Sent: 29 August 2017 10:04
To: Audrey Brown - CHX
Cc: Andy Baxter; Christine Brien
Subject: FW: TCP/11/16(476)

Hi Audrey

My comments to the LRB are in red below.

Kind regards
Niall

Niall Moran
Transport Planning Officer
Perth & Kinross Council | Pullar House | 35 Kinnoull Street | Perth | PH1 5GD
P: 01738 476512 | F : 01738 476510 | E: nrmoran@pkc.gov.uk

From: Niall Moran
Sent: 16 August 2017 16:01
To: Andy Baxter
Subject: RE: TCP/11/16(476)

Thanks Andy –suggested comments to the LRB are below:

(iii) the Interim Development Quality Manager, in consultation with Transport Planning, be requested comment on, and if possible quantify, the potential for additional housing to the four properties which already enjoy Planning Permission, being accessed via the proposed private access road in the event of planning permission being granted, notably in relation to additional land within the H62 allocation within the Perth Local Development Plan 2014.

The National Roads Development Guide states that for developments of 6 or more units, a “road” to adoptable standards would be required and therefore the normal maximum number of units that can be served by a “private access” is limited to 5.

(iv) the Council as Roads Authority be requested to comment on the Millard letter of 14 June 2017, in particular with reference to; (i) the acceptability of 2m x 11.3m visibility splays to serve the proposed housing; and (ii) the drainage arrangements for surface water being discharged from the surface of Brucefield Road;

As previously confirmed, the visibility splay currently available is inadequate and is significantly below the required standard and therefore would pose a risk to road safety. For an 11m visibility splay to be acceptable, the applicant would have to demonstrate that the typical vehicle speeds on Brucefield Road are no more than 10mph. These figures are based on safe stopping distances (SSD) and the relationship between these and vehicle speed are clearly detailed within Designing Streets (page 33 - extract attached). The figures quoted within the Millards letter are not adjusted to take account of bonnet length.

The Millards letter also states that the proposal was for a road width that conforms with the minimum emergency standard of 3.7m; however the applicants drawing

number L03 (new access road plan) clearly notes a 3.00m wide road width. I am unaware of any revisions to this drawing.

All new accesses must be constructed so that no surface water is discharged onto the public road. Existing road drainage arrangements are a matter for the Roads Maintenance Partnership and don't have any bearing on this application.

(v) the Council as Roads Authority be requested to provide detail of the extent of the road adopted when Brucefield Road was adopted by the Council;

The Roads Maintenance Partnership have confirmed that only the existing carriageway has been adopted and none of the adjacent verge. I've have attached a high resolution version of the map included in the report to the 9 September 2015 Enterprise & Infrastructure Committee indicating the extents of the road adoption.

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
	SSD (metres)	9	12	15	16	20	22	31	36	40	43	56
	SSD adjusted for bonnet length	11	14	17	18	23	25	33	39	43	45	59

