LRB-2021-34 - 21/00687/FLL - Erection of a dwellinghouse and formation of vehicular access, land 50 metres north east Of Ard-Darach, Perth Road, Birnam

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LRB-2021-34 - 21/00687/FLL - Erection of a dwellinghouse and formation of vehicular access, land 50 metres north east Of Ard-Darach, Perth Road, Birnam

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	MR GRANT FYFE
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Contact Telephone 1	
Contact Telephone 2	
Fax No	
E-mail*	

Agent *(if any)*

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Postcode	PH1 2SY
Contact Telephone 1	07761 908656
Contact Telephone 2	
Fax No	
E-mail*	markjw10@virginmedia.com

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

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☑ No ☐

Planning authority	PERTH & KINROSS COUNCIL
Planning authority's application reference number	21/00687/FLL
Site address	LAND NORTH EAST OF ARD-DARACH, PERTH ROAD BIRNAM
Description of proposed development	ERECTION OF A DWELLINGHOUSE & FORMATION OF VEHICULAR ACCESS
Date of application	20/04/2021
Date of decision (if any)	25/06/2021

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:

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?	☑	☐
2 Is it possible for the site to be accessed safely, and without barriers to entry?	☑	☐

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

Statement

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

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

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

SEE ATTACHED STATEMENT.

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

Yes ☐ No ☑

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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

DOC 1. DECISION LETTER FOR 21/00687/FLL
DOC 2. DECISION LETTER FOR 10/00601/FLL
DOC 3. APPROVED SITE PLAN FOR 10/00601/FLL
DOC 4. APPROVED SITE PLAN FOR 19/00251/FLL
DOC 6. APPROVED SITE PLAN FOR 21/00687/FLL
DOC 5. REVIEW SITE PLAN INDICATING VISIBILITY SPLAY & USABLE REAR GARDEN GROUND
PHOTOS 1-2 EXAMPLE OF RECENT RESIDENTIAL DEVELOPMENT AT BIRNAM.

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:

- [x] Full completion of all parts of this form
- [x] Statement of your reasons for requiring a review
- [x] 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 [redacted] Date 22 SEPTEMBER 2021

Statement

Notice of Review

Erection of a dwellinghouse and formation of vehicular access on Land 50 Metres North East of Ard-darach, Perth Road, Birnam

21/00687/FLL

Introduction

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 25 June 2021 for the erection of a single storey dwellinghouse and formation of vehicular access on land 50 metres North East of Ard-darach, Perth Road, Birnam (Doc 1). The Review site is within Birnam Conservation Area.

The 5 reasons for refusal are outlined below relating to loss of amenity open space, impact on residential amenity, loss of parking capacity and impact on biodiversity and woodland:-

> 1.The proposal is contrary to Policy 14A 'Open Space Retention and Provision: Existing Areas' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed development would reduce the remaining area of designated open space and its loss would result in a detrimental impact on the character of the area.
>
> 2. The proposal is contrary to Policies 1A and 1B: Placemaking' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed development would result in the overdevelopment of the existing plot; significantly impacting on amenity of the house that is under construction and also providing a poor standard of private amenity space to the proposed new plot. The loss of open space would also not contribute positively to the quality of the surrounding area in terms of character or amenity.
>
> 3. The proposal is contrary to Policy 60B 'Transport Standards and Accessibility Requirements: New Development Proposals' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed means of access may result in the loss of parking capacity within the existing lay-by and parked cars could impact on the available visibility splay for vehicles egressing from the proposed plot.

4. The proposal is contrary to Policy 41 'Biodiversity' of the adopted Perth and Kinross Local Development Plan 2 (2019) as there is insufficient information to assess the potential impact on any habitats and protected species within the woodland that lies in the western area of the plot.

5. The proposal is contrary to Policy 40 'Forestry, Woodland and Trees' of the adopted Perth and Kinross Local Development Plan 2 (2019) as there is insufficient information to assess the impact on existing mature woodland within the site.

In this Review it will be demonstrated that:-

- the loss of a small area of open space will not result in a detrimental impact on the character of the area
- there will not be an adverse impact on existing or proposed residential amenity
- there will be no significant loss of car parking or impact on road safety
- there will be no adverse impact on biodiversity or woodland as a result of the Review proposal

Background to the proposal

Planning consent was granted on the 8 June 2010 for the erection of 3 dwellinghouses in the garden ground at Ladywell Cottages, Perth Road, Birnam under application 10/00601/FLL. (Doc 2) The 2010 consented land is the same land which was consented for a single detached dwellinghouse under application 19/00251/FLL. (Doc 3 & Doc 4)

The Review site is part of the garden ground of the 2019 consent. Taken together the Review application and the 2019 consent are similar to the 2010 consent, 10/00601/FLL in terms of the site boundaries, site layout and built form. The 2019 application and the Review application were made on the basis of the 2010 consent and involved residential development on a similar area of consented land.

Since the 2010 consent and the more recent 2019 consent, which was dated 2 May 2019, the consented land has been designated in the current 2019 Perth and Kinross Local Development Plan (adopted 29 Nov 2019) as open space. The open space designation is not for recreational open space but for incidental amenity open space.

The dwellinghouse and private garden ground of planning consent 19/00251/FLL are now on land which is designated as amenity open space under Policy 14 of the adopted local development plan.

It is emphasised that the current designation to include the 2019 consented land as open space is erroneous and therefore unacceptable, particularly when the consent pre-dates the adoption of the local plan. The designation has imposed an unnecessary burden on the development rights of this property under Policy 14 – Open Space Retention and Provision.

Material considerations in the determination of the review proposal

It is important to consider the main purpose and context of the review application. Under Section 25 the Town and Country Planning (Scotland) Act 1997 it states that:-

"where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

In this case it is considered that recent planning history for the Review site is a material consideration in the determination of the Review. As indicated above, the Review site land has already been consented for residential development under planning consent 10/00601/FLL. The current local plan open space designation includes a consented dwellinghouse and garden ground which pre-date the adoption of the local plan. This has seriously compromised the purpose and aims of the open space designation and it is questionable whether the designation should have been adopted in the first place.

It is considered that the planning history is a material consideration and outweighs the open space policy designation at this location. It is concluded therefore that the open space designation should be set aside in the Review case.

Current Planning Policy Context

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without*

creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 14A: Open Space Retention and Provision: Existing Areas

Policy 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

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

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

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

Policy 60B: Transport Standards and Accessibility Requirements

<u>Other policies</u>

Placemaking Guide 2020

Developer Contributions and Affordable Housing Supplementary Guidance September 2016 including guidance on education provision and transport infrastructure.

Reasons for Refusal and Grounds of the Review

The reasons for the review and matters to be taken into account in the determination of the review refer to the reasons for refusal, which state that the proposal is contrary to the Perth and Kinross Local Development Plan 2019 policies 1A, 1B, 14A, 40,41 and 60B. These reasons can be summarised under the following headings:-

- loss of amenity open space,
- impact on residential amenity,
- loss of parking capacity and road safety,
- impact on biodiversity and woodland

The above issues will be considered below in the applicant's statement and argument against the reasons for refusal in support of the Review

Loss of open space

The Review site and land associated with consent 19/00251/FLL was formerly garden ground associated with Ladywell Cottages. As stated above there was also a previous consent for 3 dwellinghouses on the land under 10/00601/FLL. This consent was not implemented.

The 2019 designation of this land as amenity open space is unacceptable and has unfairly burdened the development rights of the property owner, particularly when there was a recent consent for residential use on the land which pre-dated the local plan designation as open space. To refuse the current Review application on the grounds of loss of amenity space when the land is private garden ground is unacceptable.

Setting the above aside, it is considered that the visual amenity of the Review site will not be adversely affected by the Review development.

In the Conservation Section's consultation response, who did not object to the Review application, it was stated that:-

"the *additional visual impact from the proposed dwellinghouse is likely to be minimal"*

It is concluded from this that Perth and Kinross Council consider that the Review proposal will not have an adverse impact on visual amenity at this location, the historic streetscape or it's wider context and character. Furthermore, the retention of trees on the Review site will help to maintain the visual amenity and character of the Review site.

The Review proposal will not have any adverse impact on the appearance or character of the Birnam Conservation Area or nearby listed buildings.

Contrary to the reason for refusal, the loss of this small area of open space will not result in a detrimental impact on the character of the area.

Impact on residential amenity

It was stated in the Report of Handling that there would not be a satisfactory area of rear garden ground for the Review dwellinghouse and that the proposal would lead to overdevelopment of the existing plot.

In response to this and in support of the Review there was a previously consented scheme on this land for 3 dwellinghouses under 10/00601/FLL. This development proposal was not considered to be overdevelopment and did not impact on the appearance or character of Birnam Conservation Area. The Review proposal and the previous 2019 consent is no different from this.

There are also recent examples of new dwellinghouses along Perth Road in Birnam to the south where the rear garden ground has been limited by topography (Photos 1-2)

The Council's Supplementary Placemaking Guidance 2020 recommends the following:-

"As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9 metres."

As illustrated in the Site Plan (Doc 5) the usable garden ground available for the Review dwelling is 84 square metres which is in accordance with the Council's Placemaking Guide. The rear garden depth at 15 metres is also above the minimum required under the guidance which is 9 metres.

There will also be a satisfactory level of rear amenity garden ground available for the existing dwellinghouse at 84 square metres, in accordance with the good practice recommendation of the Council's Placemaking Guide. (Doc 5)

The Review proposal then, is in accordance with Policy 1A and 1B of the adopted local development plan and will provide a satisfactory level of residential amenity for both the existing and proposed dwellinghouses.

Loss of parking capacity

The reason for refusal stated that the:-

> *"the proposed means of access may result in the loss of parking capacity within the existing lay-by and parked cars could impact on the available visibility splay for vehicles egressing from the proposed plot."*

The road access for the Review proposal barely impinges on the existing lay-by at it's narrow northern end, where a car's width cannot fit into the lay-by and will not therefore reduce the parking capacity and this is clearly demonstrated in the submitted Review application proposed site plan, (Doc 6).

The use of the lay-by for car parking is considered to be ad hoq in any case and is not designated parking associated with any business or service within the vicinity. Furthermore, there is sufficient street parking in the vicinity of the Review site which reduces the significance of the lay-by as village parking provision.

There will be no adverse visibility issues impacting on road safety when leaving the Review site due to the configuration of Perth Road to the south east, which allows adequate egress visibility in this direction. This is demonstrated in Doc 5 which shows the visibility splays for the site access.

It is considered that while parked cars may partially impact on the visibility splay this situation is not unusual or unique in Birnam or Dunkeld where parked vehicles manoeuvre in and out of parking spaces, exit existing driveways or side roads between parked vehicles. It is emphasized, that as it is within the 30 mph limit the Review proposal will not have a significantly adverse impact on vehicle or pedestrian safety.

It is concluded that the *proposed means of access will not result in the loss of parking capacity within the existing lay-by and parked cars will not impact on the available visibility splay for vehicles egressing from the proposed plot.*

It has been demonstrated then that the Review proposal is in accordance with the terms of Policy 60B.

Impact on biodiversity and woodland

There will be no significant loss of any mature trees or existing habitat in the woodland to the west of the site, as detailed in the Review submission. The only tree loss stated in the Review application will be the loss of 2 regenerated trees on the line of the site access.

The mature woodland at the Review site can be protected by a standard condition on any consent, where written consent is required from the planning authority for any tree removal.

The Review proposal is not contrary to Policies 40 or 41 of the adopted local development plan and there will be no adverse impact on existing woodland or habitat on or within the vicinity of the Review site.

Conclusions

The planning history of the site is a material consideration where there has been a recent history of consent for residential development. The 2010 consent was for 3 dwellinghouse which included the Review site. It is considered that the 2019 local development plan open space designation on private garden ground should not have been made in the first place.

It is considered that the loss of any remaining open space will not be detrimental to the character of the area. The Council's Conservation Section do not object to the Review proposal in terms of visual impact, as the impact will be minimal and will not affect the character of the area. The visual amenity of the existing woodland will be retained.

Given the previous planning history, with consent for 3 dwellinghouses at this location and the fact that the proposed rear garden grounds for the existing and the Review proposal are in accordance with the Council's Placemaking Guide, the proposal cannot be considered to be overdevelopment as a satisfactory level of residential amenity is proposed.

It has been demonstrated that the proposed means of access will not result in the loss of parking capacity within the existing lay-by and parked cars will not impact adversely on the available visibility splay for vehicles egressing from the proposed plot.

There will be no loss of any mature woodland or existing habitat as a result of the Review proposal. Existing woodland can be protected by condition(s) on any consent.

For the reasons outlined above it is considered that the Review proposal for a single dwellinghouse is acceptable and it is respectfully requested that the Review is upheld.

Doc 1.

PERTH & KINROSS COUNCIL

Communities Service

Mr Grant Fyfe
c/o Urban Rural Design Studio
Jane Brewster
Rotmell Farm
Ballinluig
Pitlochry
PH9 0NU

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice:**25th June 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **21/00687/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 20th April 2021 for Planning Permission for **Erection of a dwellinghouse and formation of vehicular access Land 50 Metres North East Of Ard-darach Perth Road Birnam**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 14A 'Open Space Retention and Provision: Existing Areas' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed development would reduce the remaining area of designated open space and its loss would result in a detrimental impact on the character of the area.

2. The proposal is contrary to Policies 1A and 1B: Placemaking' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed development would result in the overdevelopment of the existing plot; significantly impacting on amenity of the house that is under construction and also providing a poor standard of private amenity space to the proposed new plot. The loss of open space would also not contribute positively to the quality of the surrounding area in terms of character or amenity.

3. The proposal is contrary to Policy 60B 'Transport Standards and Accessibility Requirements: New Development Proposals' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed means of access may result in the loss of parking capacity within the existing lay-by and parked cars could impact on the available visibility splay for vehicles egressing from the proposed plot.

4. The proposal is contrary to Policy 41 'Biodiversity' of the adopted Perth and Kinross Local Development Plan 2 (2019) as there is insufficient information to assess the potential impact on any habitats and protected species within the woodland that lies in the western area of the plot.

5. The proposal is contrary to Policy 40 'Forestry, Woodland and Trees' of the adopted Perth and Kinross Local Development Plan 2 (2019) as there is insufficient information to assess the impact on existing mature woodland within the site.

Justification

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

Notes

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

Plan Reference

01

02

03

04

05

Doc 2

PERTH AND KINROSS COUNCIL

For Atholl Estates
James Denholm Partnership
11 Dunira Street
Comrie
Crieff
PH6 2LJ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 8 June 2010

Town and Country Planning (Scotland) Acts.

Application Number **10/00601/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 6th April 2010 for planning permission for Erection of 3 dwelling houses Garden Ground At Ladywell Cottages Perth Road Birnam subject to the undernoted conditions.

Development Quality Manager

Conditions Referred to Above

1. The development shall be begun within a period of three years from the date of this consent.

2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

3. Prior to the commencement of the development full details shall be submitted in respect of the following: [a] window design including astragal dimensions and profile [b] type and colour of wet dash [c] external doors [d] the design and types of rooflights and [e] the height and finishing of the stone boundary walling all to the satisfaction of the Council as Planning Authority.

4. The width of the driveway link between the larger parking area and Perth Road shall be reduced in width to that previously approved under 07/00982/FUL and the majority of the surface shall be in a permeable surface such as gravel all to be agreed in writing prior to any works on site all to the satisfaction of the Council as Planning Authority.

5. The vehicular access at the north end of the site shall be formed in accordance with specification Type A, Fig 5.5, access detail to the satisfaction of the Planning Authority.

6. The vehicular access at the south end of the site shall be formed in accordance with specification Type C, Fig 5.7, access detail to the satisfaction of the Planning Authority.

7. The gradient of the accesses shall not exceed 3% for the first 3 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.

8. Turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

9. A minimum of 6 No. car parking spaces shall be provided within the site.

Reasons for Conditions

1. In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.

2. To ensure that the development is carried out in accordance with the plans approved.

3/4 In order to protect the character of the conservation area.

5 to 9 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

Justification

The proposal is in accordance with the Development Plan.

Notes

1 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

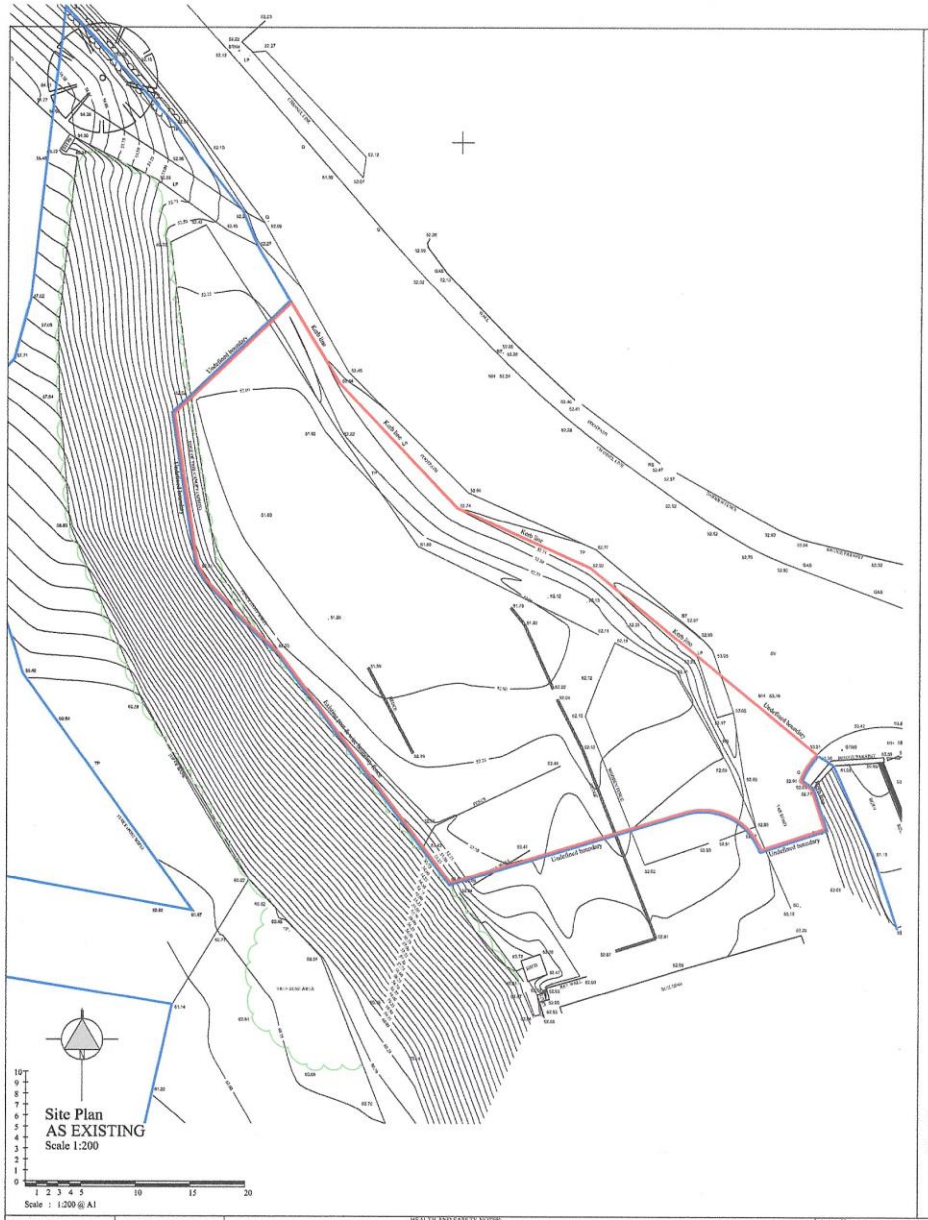
3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

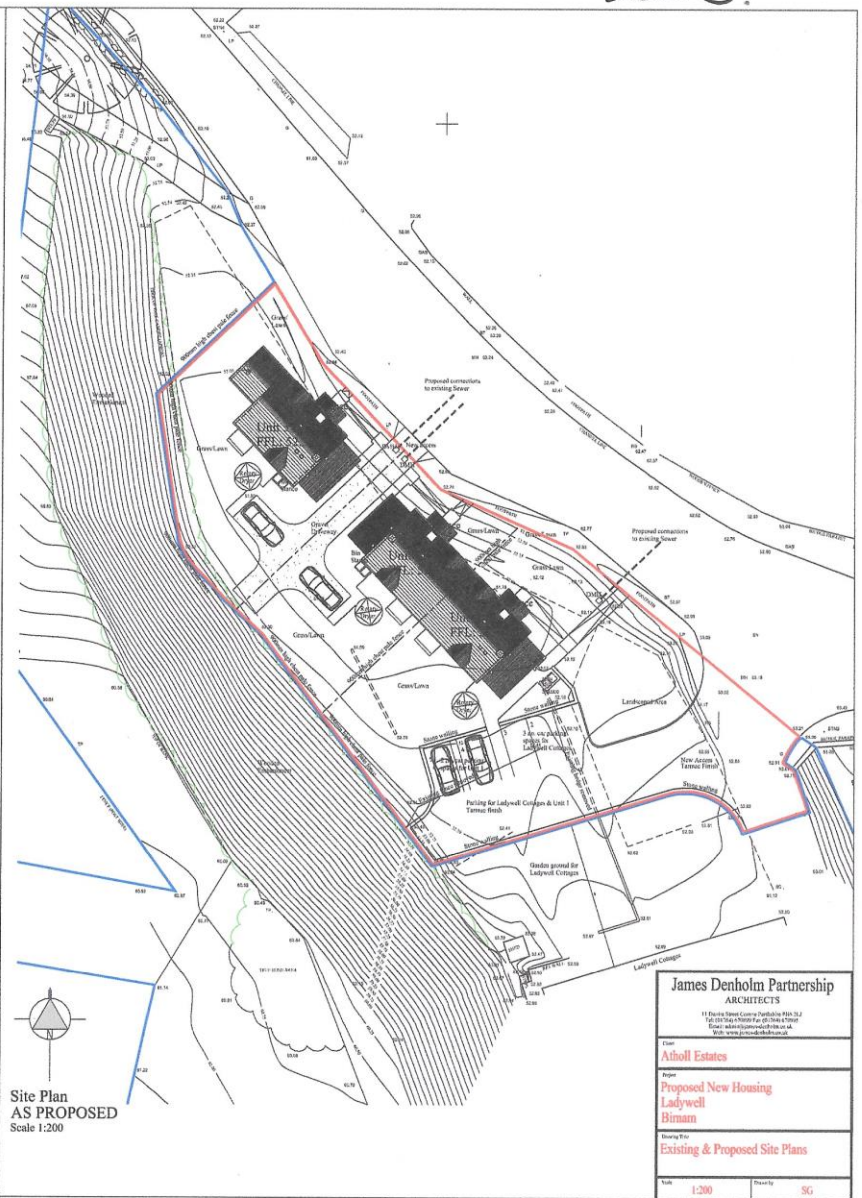
The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

10/00601/1 10/00601/2 10/00601/3

DOC 3.





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HEALTH AND SAFETY NOTES

Significant Residual Hazards	Present	Description	Significant Residual Hazards	Present	Description
Asbestos			Buried and Overhead Services		
Health Hazards			Underground Structures		
Structural Instability			Adjacent Activities		
Ground Conditions			Site Restrictions		
Contamination			Other (Specify)		

Actions/Notes:

Rev.	Date	By	Note

James Denholm Partnership
ARCHITECTS
11 Dunrin Street Crieff Perthshire PH6 2LJ
Tel: (01764) 650050 Fax: (01764) 650051
Email: admin@jamesdenholm.co.uk
Web: www.jamesdenholm.co.uk

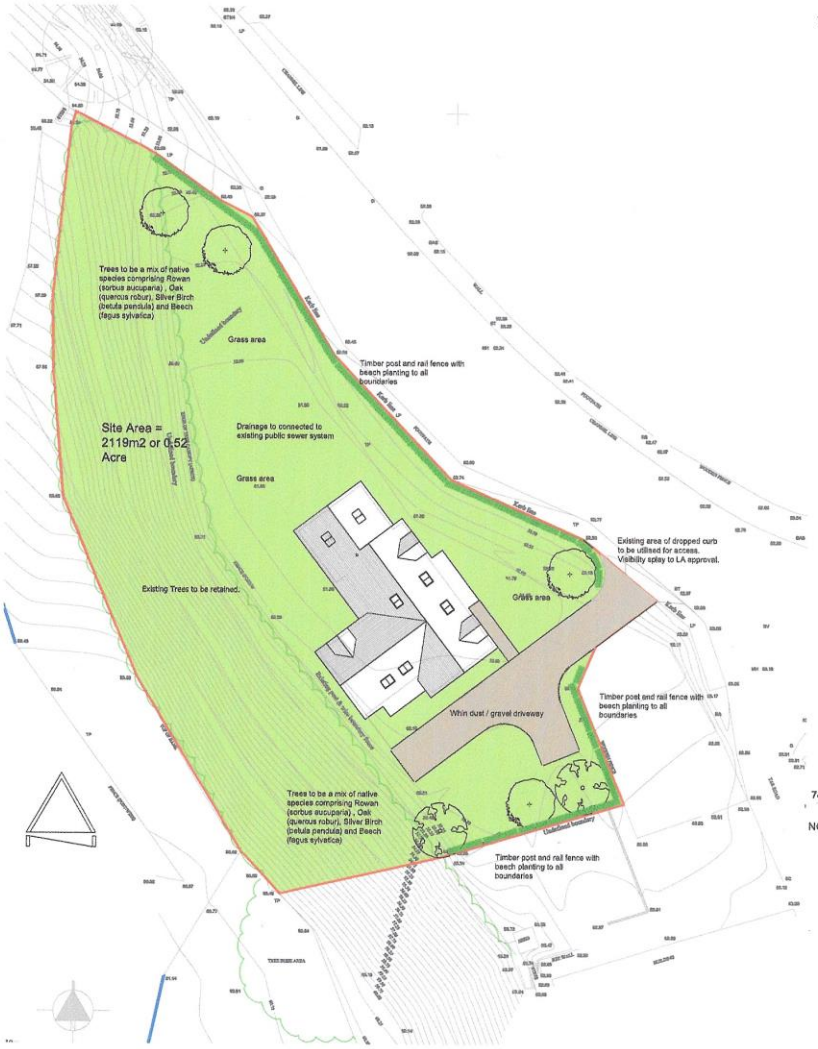
Client: Atholl Estates

Project: Proposed New Housing Ladywell Birnam

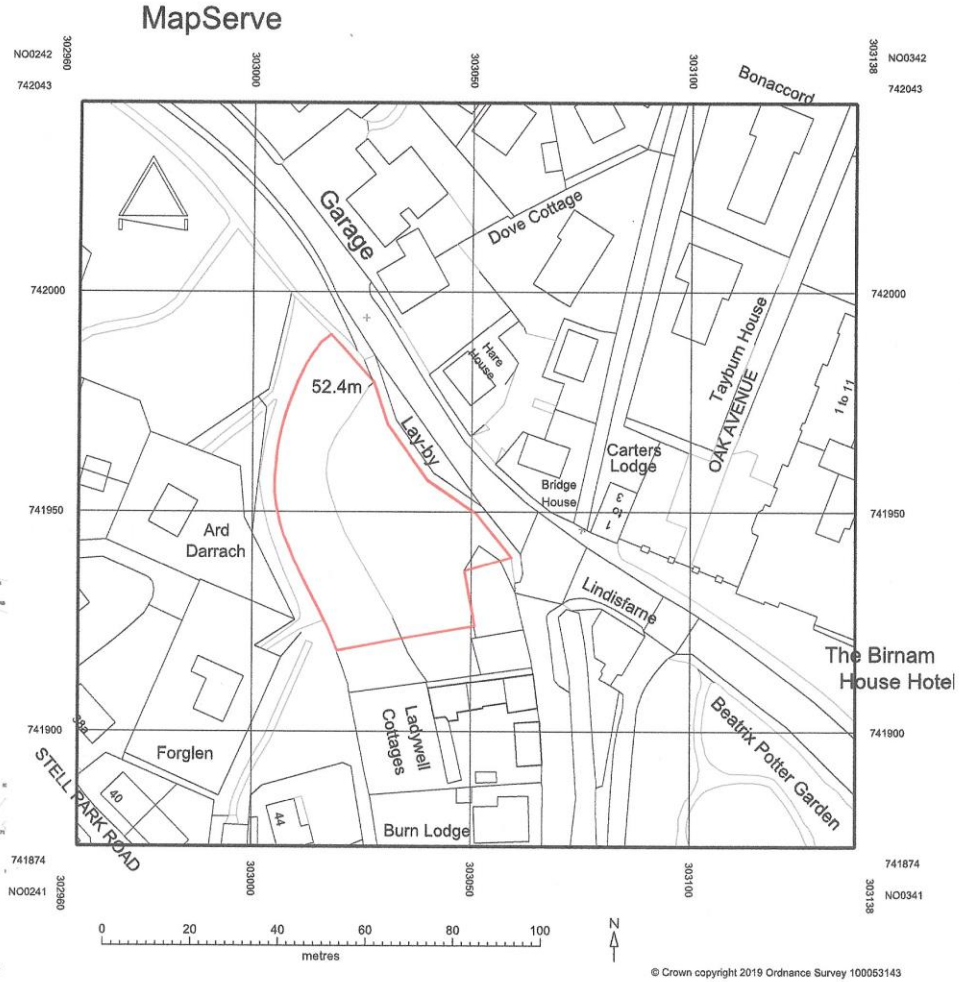
Drawing Title: Existing & Proposed Site Plans

Scale	1:200	Drawn by	SG
Date	01/04/10	Purpose	Planning
Job No.	3795	Dwg. No.	P02

DOC 4.



Site Plan 1.200



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OS Plan 1.500

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	Mr Grant Fyfe		
	Site plan red 03	Drawing no 19/01/03	Rev A
	12/09/00		

Doc 5.

REV A Re-Planning DATE 20.10.20

URBAN RURAL DESIGN

Project: Proposed Residential Dwelling Birnam Perthshire

Client: My Fyfe

Title: Existing and Proposed Site Plan

Status: For Planning

Ref: PL(90)002 Revision: B

Scale: 1:200 @ A1 Date: 05/04/2021

Doc. 6.

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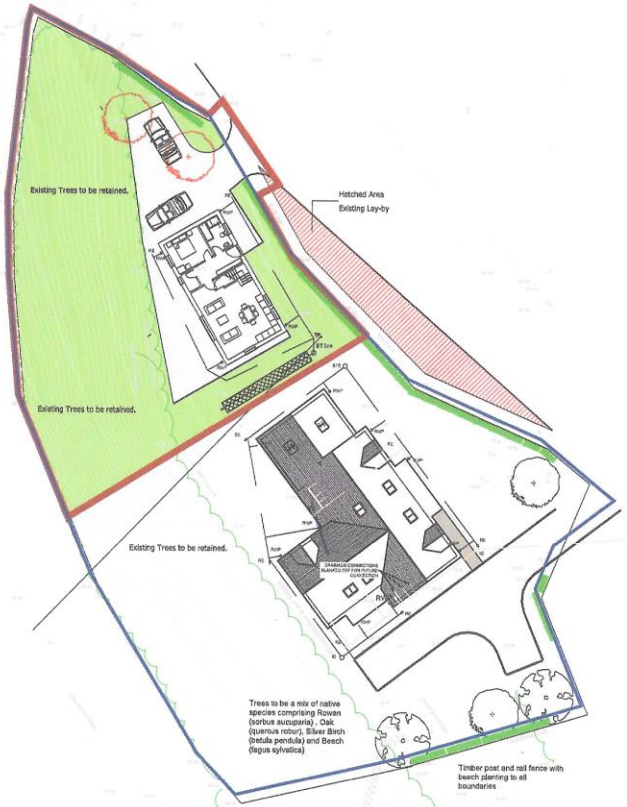
Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand.
IF NOT COPIED REMIND ME

Existing Site Plan



Proposed Site Plan

REV		DATE
A	For Planning	20.10.20

URBAN RURAL DESIGN

Project: Proposed Residential Dwelling Birnam Perthshire

Client: My Fyfe

Title: Existing and Proposed Site Plan

Status: For Planning

Ref: PL(90)002 Revision: A

Scale: 1:200 @ A1 Date: 05/04/2021

Photos 1-2

LRB-2021-34 - 21/00687/FLL - Erection of a dwellinghouse and formation of vehicular access, land 50 metres north east Of Ard-Darach, Perth Road, Birnam

PLANNING DECISION NOTICE *(included in applicant's submission, pages 195-196)*

REPORT OF HANDLING

REFERENCE DOCUMENTS

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**21/00687/FLL**	
Ward No	**P5- Strathtay**	
Due Determination Date	**19th June 2021 Extended to 25th June 2021**	
Draft Report Date	**24th June 2021**	
Report Issued by	**DN**	**Date 25/06/21**

PROPOSAL: Erection of a dwellinghouse and formation of vehicular access

LOCATION: Land 50 Metres North East Of Ard-darach Perth Road Birnam

SUMMARY:

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

DATE OF SITE VISIT: N/A

SITE PHOTOGRAPHS

MIDLAND COACHE

BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to a triangular area of ground within the village of Birnam and falls within the designated Conservation Area. The proposed site extends to the approximately 829sqm but around half of the site comprises of a steep slope with mature woodland. The remaining half of the site that lies adjacent to the road is an area of open grass which is bound to the east by an existing lay-by.

The site forms part of the garden ground associated with a two-storey detached dwellinghouse that was granted consent in May 2019 and is presently under construction (Ref: 19/00251/FLL). The applicant is now seeking planning permission to subdivide the plot to create an additional plot for the erection of a single storey house. The plot will take access from the public road to the east, on the northern edge of the existing lay-by, with parking and turning for two vehicles within the site. The proposed house is of a traditional design, with exposed eves and will be finished in wet dash render, slate roof and timber painted windows.

A previous application for the same development was submitted in late 2020 but was withdrawn following concerns in respect to the loss of mature woodland and concerns raised by the Transport Planner in terms of the lay-by and visibility. Concerns were also expressed in relation to loss of green space, amount of usable amenity space and the loss of garden ground associated with the house presently under construction.

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have, however, been viewed by photographs taken during assessment of the previous application and photos submitted by the applicant. The case officer has also in the visited the site in the past, albeit prior to the submission of this application, and the Biodiversity Officer also supplied a recent photo of the site. This information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

SITE HISTORY

07/00982/FUL Erection of 2 dwellinghouse and workspace 21 June 2007 Application Approved

10/00601/FLL Erection of 3 dwelling houses 8 June 2010 Application Approved

19/00251/FLL Erection of a dwellinghouse 2 May 2019 Application Approved

20/00808/TW Treeworks 24 July 2020 Application Refused

20/01535/FLL Erection of a dwellinghouse and formation of a vehicular access 24 December 2020 Application Withdrawn

PRE-APPLICATION CONSULTATION

None

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 14A: Open Space Retention and Provision: Existing Areas

Policy 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

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

Policy 41: Biodiversity

Policy 53B: Water Environment and Drainage: Foul Drainage

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

OTHER POLICIES

None

CONSULTATION RESPONSES

Conservation Team
No objection but recommend that the external finishing materials are appropriate to the setting, including high quality natural slate and timber windows and doors.

Structures And Flooding
No objection

Transport Planning
Object to proposed development due to potential impact on the parking within the lay-by and issues with visibility from parked cars.

Development Contributions Officer
No contributions required

Biodiversity/Tree Officer
Object due to lack of tree survey and ecological survey.

Scottish Water
No objection

REPRESENTATIONS

No representations received.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Design Statement Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	None Submitted

APPRAISAL

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

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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

Policy Appraisal

Under the adopted Local Development Plan (LDP2) 2019 the site is designated as an existing area of green open space where Policy 14 'Open Space Retention and Provision' is applicable. As this area of ground is an existing area of open space the relevant section of the policy is 14A which states that development proposals resulting in the loss of an area identified as existing open space will not be permitted, unless one or more of the criteria can be satisfied.

It is acknowledged that consent was granted in May 2019 for the house that is presently under construction and the area of ground in question forms a large part of the private amenity space of that proposed plot. However, it is important to highlight that the site was not designated as open space at that time, and it was on that basis that the single house plot was approved. Whilst the approved house has somewhat impacted on the extent of green space, a significant proportion of the area remains and can still contribute a great deal to the sense of space in this area of Birnam which would otherwise be completely lost if another plot were to be permitted within the site.

As such, it is considered that the proposed development is contrary to Policy 14A, criterion b), as it would result in the loss of the remaining area of zoned open space which would impact on the character and amenity of the area.

Other relevant policies include Policy 28A 'Conservation Areas' which seeks to ensure that new development preserves or enhances the character and appearance of the Conservation Area and Placemaking Policies 1A & B which relate to placemaking and require new development to respect its surroundings in terms of appearance, height and scale and respect existing building lines amongst other criteria. The paragraphs below provide an assessment of these LDP policies.

Design and Layout

In respect to design, the proposed single storey cottage is of an appropriate traditional design which would not appear out of context alongside the existing traditional style of development in the immediate vicinity of the site. The proposed finishing materials comprising of wet dash render, timber windows and natural slate roofing is also acceptable.

The proposed layout also provides adequate space for parking and turning within the site whilst also providing a small but adequate area of rear private space. However, as discussed in greater detail below, there are concerns in respect to the standard of amenity for both the proposed plot and the existing house plot that is presently under construction.

Residential Amenity

The approved plot for the house that is presently under construction extends to approximately 2125sqm but around 1164sqm of that is steeply sloping mature woodland that is protected by the Conservation Area designation. Nevertheless, the approved house has a substantial area of usable private amenity space that extends to around 472sqm which is quite large when compared with other plots in the immediate area but not usual, particularly for the size of house being constructed.

The proposed subdivision of the plot will result in a significant reduction in the size of the applicant's plot, reducing the size of the private rear garden space to just 84sqm which is very small for a property of that size. Another concern relates to the quality of the remaining area of garden ground which will be far less appealing given its small size and lack of available daylight due to the mature woodland that stands within the steeply rising ground immediately to the west. This is also a concern in relation the proposed new plot which will have a long and narrow area of useable private amenity space that would extend to approximately 78sqm which will suffer the same issue in relation overshadowing from the woodland to the west.

Furthermore, this will also likely result in pressure to gradually reduce or thin out the existing tree cover to the west in order to improve the levels of sunlight and also to create additional amenity space which would have a detrimental impact on the character and setting of the Conservation Area.

The above issues demonstrate that the area of ground can only comfortably accommodate the proposed house that is presently under construction. Had it been the applicant's intention to develop the site for more than one plot, this should have been considered at the initial design stages in order to create a more appropriate scheme. Instead, this application appears to be an afterthought which would result in a poorly conceived development that primarily serves to maximise development potential than provide a reasonable level of amenity to the approved house plot.

It is therefore considered that the proposed developemt would result in the overdevelopment of the existing plot; significantly impacting on amenity of the house that is under construction and also providing a poor standard of private amenity space to the proposed new plot. As such, the proposals are contrary to placemaking policies 1A and 1B of LDP2.

Roads and Access

The proposed access to the plot is to be taken from the public road immediately adjacent to the site. The Transport Planning Officer has reviewed the proposals and objected to the development. It is noted that the revised proposed vehicle access for the dwellinghouse has been moved in relation to the previous submission which now minimises the loss of parking capacity of the lay-by. However, he remains concerned

that the proposals could still impact on the capacity of the lay-by and suggests that further investigation is required to demonstrate that there would be no net detriment to the local road network. Concerns have also been expressed regarding the available visibility splay for vehicles egressing from the property being obstructed by parked cars using the lay-by presenting a road safety concern.

In discussions with the Transport Planning Officer, it was noted that the site had previously had consent in 2007 and 2010 for residential development whereby the access was to be taken through the middle of the layby. It is accepted that the previously consented scheme would have had a greater impact on the function of the lay-by. Nevertheless, both of the previous consents are no longer valid and since that time there has been several updates to LDP policy and the National Road Development Guide 2014 has been adopted.

As such, it is considered that the proposals are contrary to Policy 60B 'Transport Standards and Accessibility Requirements: New Development Proposals' of the adopted Perth and Kinross Local Development Plan 2 (2019).

Natural Heritage and Biodiversity

It is noted that the previous proposals sought to fell a large number of trees within the site but this new application now seeks to retain this area of woodland. However, the Tree and Woodland Enforcement Officer has reviewed the proposals and raised concerns due to the proximity of the development to the woodland immediately to the west of the proposed house and located within the proposed plot. No details have been provided concerning the existing trees, and their associated health/condition/safety, and also no assessment as to whether the development will present any impact to these trees during construction.

It is further advised that, in light of the fact that the site is within the Conservation Area, an assessment of the impact of the proposed development on existing trees at the site that accords with BS5837:2012, should be submitted for consideration, and the current proposal is therefore unacceptable and contrary to Policy 40 of LDP2.

It is also noted that there is no information relating to potential habitats and protected species at the application site. In light of the proximity of development to established woodland it would be appropriate to undertake assessment in this regard, in compliance with Policy 41 of LDP2.

Conservation Considerations

The Conservation Officer has reviewed the proposals and notes that the dwellinghouse currently under construction adjacent to the site is closer to the listed buildings to the south (Ladywell Cottages and Lindisfarne, both category C listed). As such, it is considered that the additional visual impact from the proposed dwellinghouse is likely to be minimal in terms of the adjacent listed buildings. However, its location at the western entrance to the conservation area means that the proposed dwellinghouse would be visible in key views looking east and in the setting of the category B listed Birnam Hotel gates and annexe. It is therefore recommended that the external finishing materials are of a high standard, including high quality natural slate and timber windows and doors.

Landscape and Visual Amenity

As outline earlier in this report, this site is designated as an area of green open space within LDP2. This designation recognises the importance of retaining this area as it contributes a great deal to the sense of space in this area of Birnam. This proposed development would effectively result in the loss of this area of open space, thereby impacting on the local landscape and visual amenity of this area of village.

Drainage and Flooding

There are no concerns or issues in relation to drainage or flooding. The applicant proposes to discharge water to the public drainage network available in Birnam and all surface water will be discharged to a soakaway within the site. Both measures would be compliant with the requirements of Policies 53B and 53C ofLDP2.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

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

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

.

Reasons

1 The proposal is contrary to Policy 14A 'Open Space Retention and Provision: Existing Areas' of the adopted Perth and Kinross Local Development Plan 2

(2019) as the proposed development would reduce the remaining area of designated open space and its loss would result in a detrimental impact on the character of the area.

2 The proposal is contrary to Policies 1A and 1B: Placemaking' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed development would result in the overdevelopment of the existing plot; significantly impacting on amenity of the house that is under construction and also providing a poor standard of private amenity space to the proposed new plot. The loss of open space would also not contribute positively to the quality of the surrounding area in terms of character or amenity.

3 The proposal is contrary to Policy 60B 'Transport Standards and Accessibility Requirements: New Development Proposals' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the proposed means of access may result in the loss of parking capacity within the existing lay-by and parked cars could impact on the available visibility splay for vehicles egressing from the proposed plot.

4 The proposal is contrary to Policy 41 'Biodiversity' of the adopted Perth and Kinross Local Development Plan 2 (2019) as there is insufficient information to assess the potential impact on any habitats and protected species within the woodland that lies in the western area of the plot.

5 The proposal is contrary to Policy 40 'Forestry, Woodland and Trees' of the adopted Perth and Kinross Local Development Plan 2 (2019) as there is insufficient information to assess the impact on existing mature woodland within the site.

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

01
02
03
04
05

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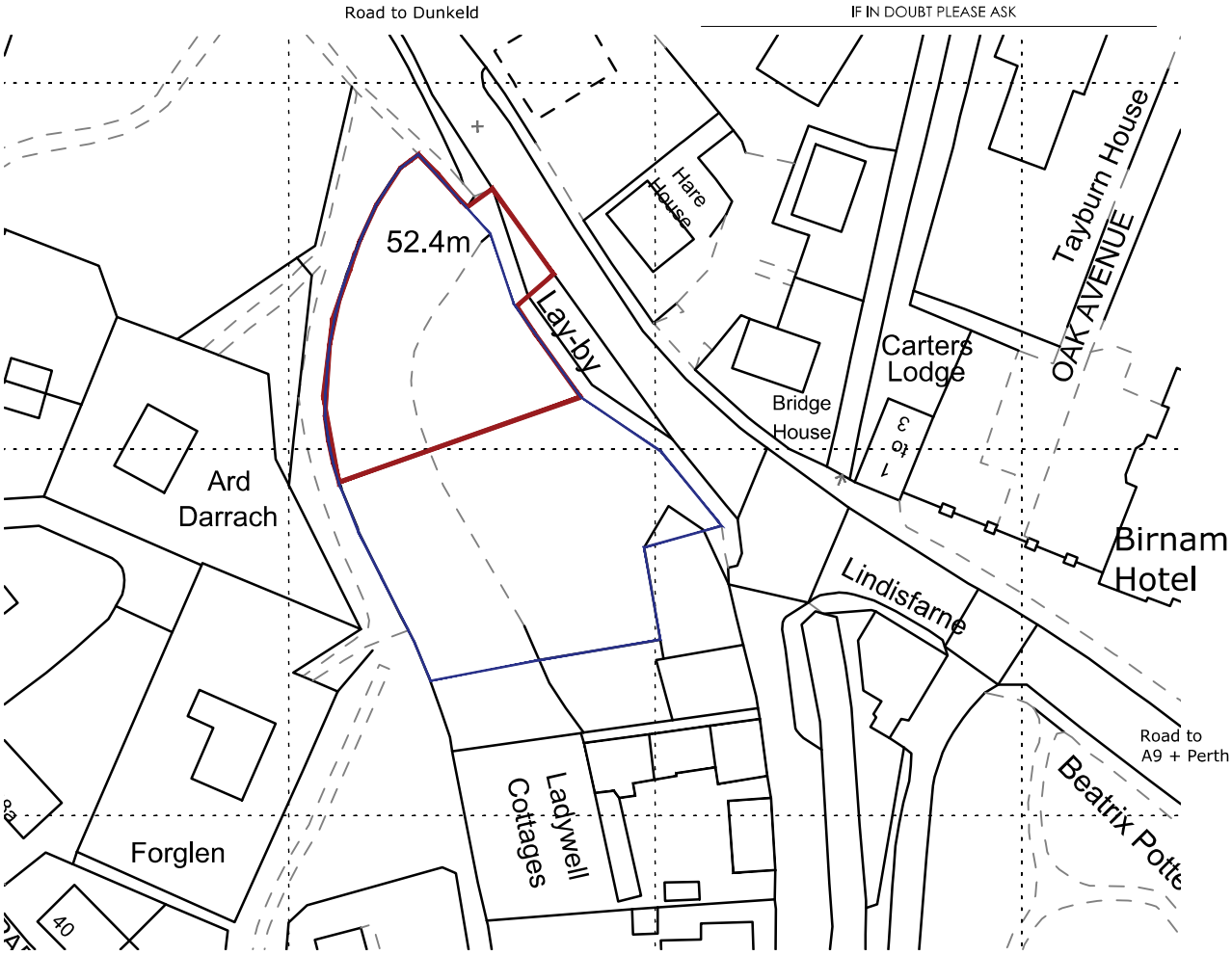

REV		DATE
A	for Planning	20.10.20

Proposed Site Location Plan

0 10m 20m 30m 40m 50m
scale bar 1:1000

URBAN RURAL DESIGN

jbrewster@urds.co.uk
07827 947 143
www.urds.co.uk

Project:
Proposed Residential Dwelling
Birnam
Perthshire

Client:
My Fyfe

Title:
Proposed Site Location Plan

Status:
For Planning

Ref: PL(90)001 Revision: A

Scale: 1:1000 @ A4 Date: 05/04/2020

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DO NOT SCALE

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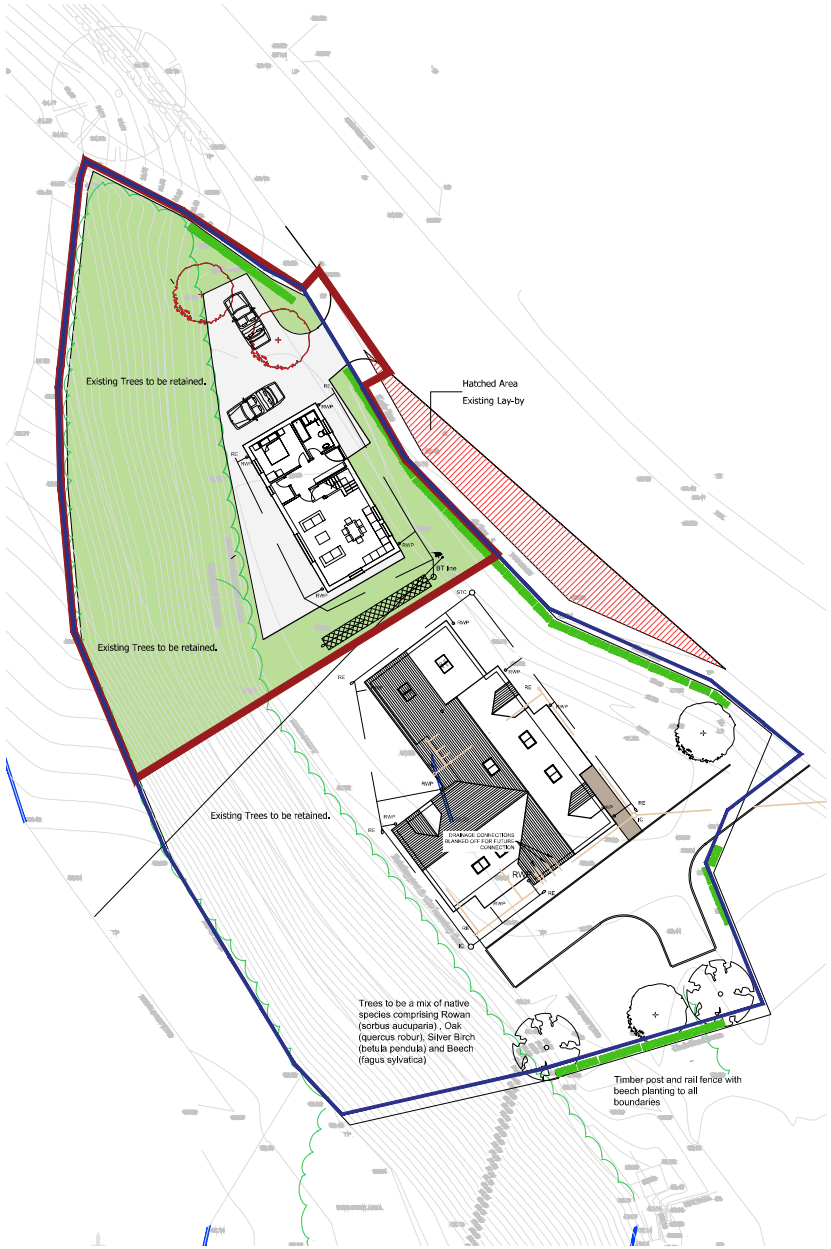
scale bar 1:200

Existing Site Plan



Proposed Site Plan

REV		DATE
A	for Planning	20.10.20

URBAN RURAL DESIGN

jbrewster@urds.co.uk
07827 947 143
www.urds.co.uk

Project: Proposed Residential Dwelling Birnam Perthshire

Client: My Fyfe

Title: Existing and Proposed Site Plan

Status: For Planning

Ref: PL(90)002 **Revision:** A

Scale: 1:200 @ A1 **Date:** 05/04/2021

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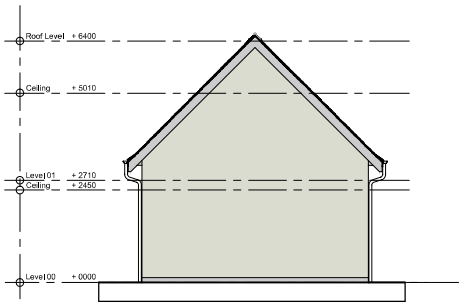
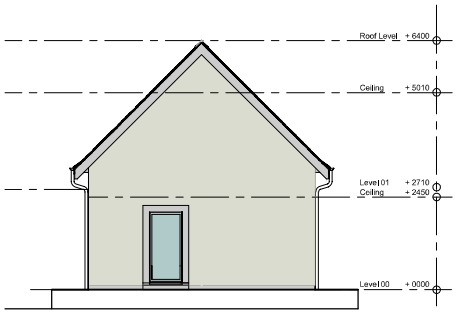


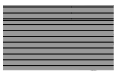
Proposed South Elevation



Proposed South Elevation

Proposed East Elevation

Proposed West Elevation



Roof Finish
Natural Slate

Wall Finish
Blockwork - wetdash render
off white in colour

Windows
Timber painted white

REV		DATE
A	for Planning	20.10.20

URBAN RURAL
D E S I G N
jbrewster@urds.co.uk
07827 947 143
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Project:
Proposed Residential
Dwelling
Birnam
Perthshire

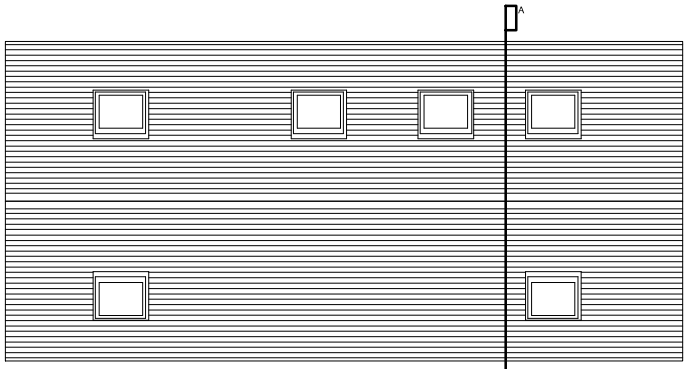
Client:
My Fyfe

Title:
Proposed Elevations

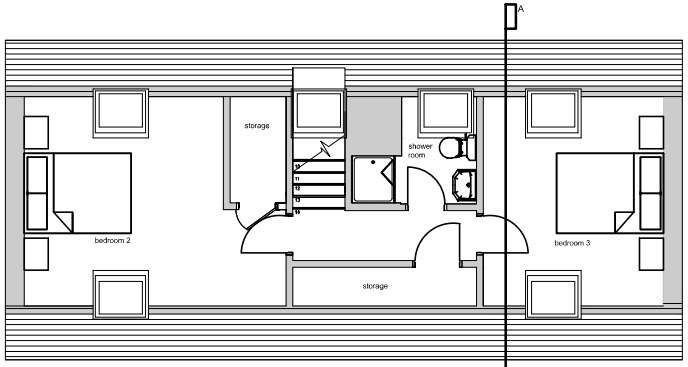
Status:
For Planning

Ref: PL(20)002
Revision: A

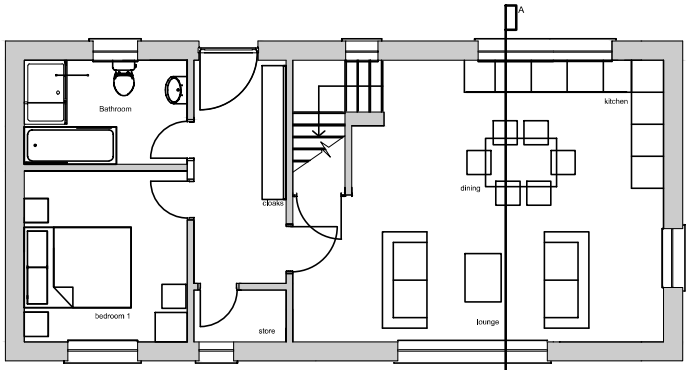
Scale: 1:100 @ A2
Date: 05/04/2020



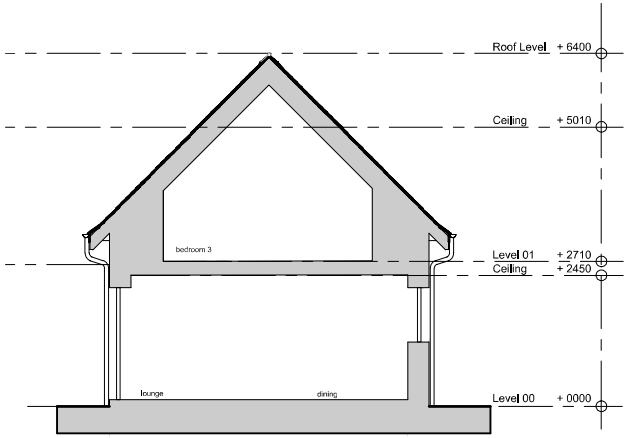
Proposed Roof Plan



Proposed First Floor Plan



Proposed Ground Floor Plan



Proposed Cross Section

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IF IN DOUBT PLEASE ASK

0 1m 2m 3m 4m 5m
scale bar 1:100

REV		DATE
A	for Planning	20.10.20

URBAN RURAL
D E S I G N

jbrewster@urds.co.uk
07827 947 143
www.urds.co.uk

Project:
Proposed Residential Dwelling
Birnam
Perthshire

Client:
My Fyfe

Title:
Proposed GF Plan, FF Plan and Cross Section

Status:
For Planning

Ref: PL(20)001
Revision: A

Scale: 1:100 @ A3
Date: 04/05/2021

Proposed Dwelling

Design and Access Statement

URBAN RURAL
DESIGN STUDIO

Design and Access Statement

In Respect of

New Dwelling

40m East Of Ard Darach,

Perth Road

Birnam

For

Mr Grant Fyfe

11 Stell Park Road

Dunkeld

Perthshire

PH8 0QA

Drawing No: D(20)001

First Drafted: 20/10/2020

By: JB

Revision: A

Date: 20/10/2020

Background information.

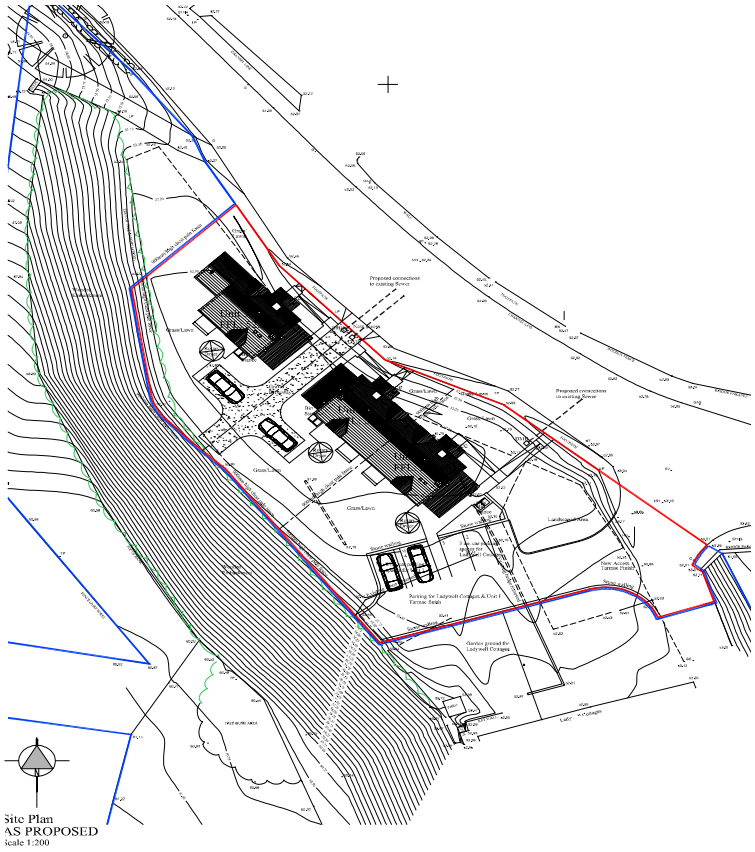
The purpose of this document is to provide a supporting statement for the submission of a full planning application which proposes a single dwelling on a site on Land 40 Metres East Of Ard Darach Perth Road Birnam.

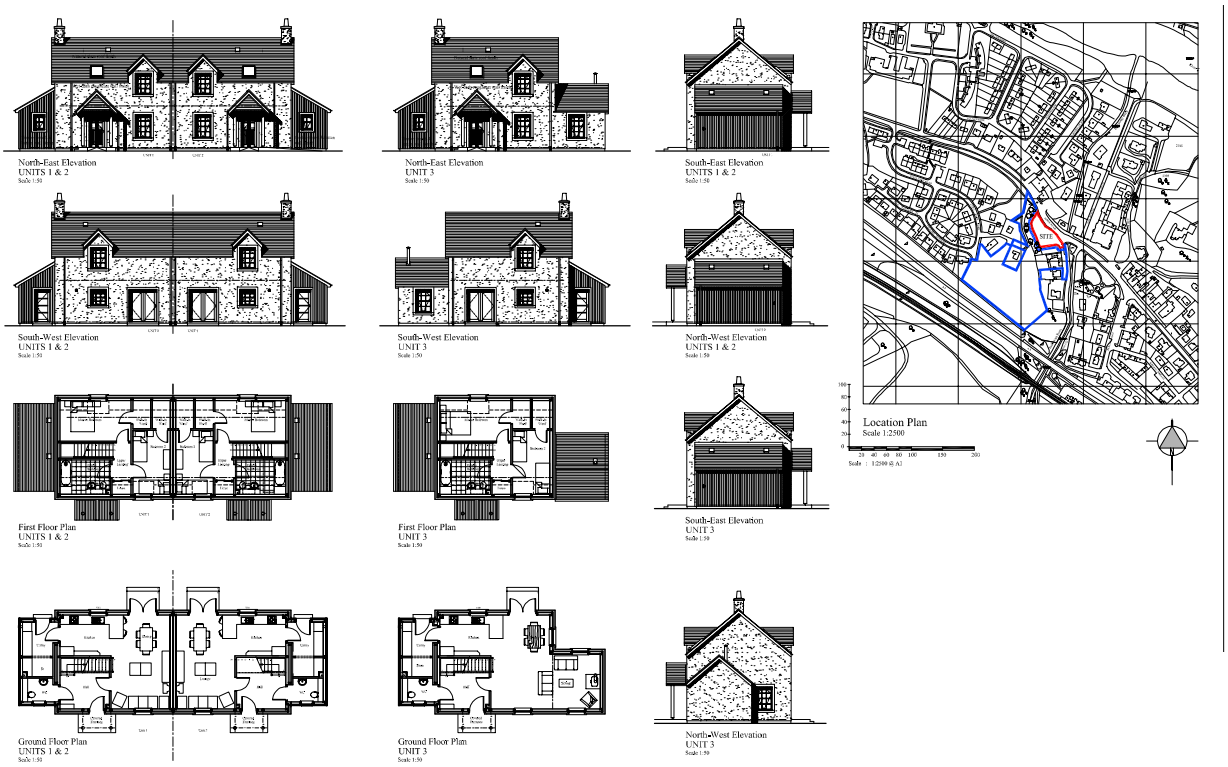
URDS were approached by Mr Fyfe (the applicant) to assist in the design of a new 3/4 bed small family home within the garden ground of the recently approved residential dwelling. Mr Fyfe recognises the shortage of affordable family residential dwellings in Dunkeld and is keen to provide a dwelling which will neighbour his own house, for which is under construction.

The house as noted above gained planning approval– Planning Reference 19/00251/FLL. In 2019. However the site previously had planning permission for the construction of 3 dwellings (2 semi detached and one detached) under application number – 10/00601/fll.

This scheme was proposed by Atholl Estates and was approved in 2010 but was never implemented. This consent was granted for a detached small house and two dwellings, semi detached . The massing of the scheme is equivalent to that of the house granted and currently under construction on the adjoining plot and the proposed house applied for as part of this application.

It is worth noting that the drive way on the approved application is located in the middle of the layby, which would have resulted in the loss of the layby, the roads department deemed this solution to be acceptable.





Previously Consented Scheme

URBAN RURAL
DESIGN STUDIO

There was also a previous application that was approved in 2007 (07/00982/FUL) for two houses plus a workspace, which also had considerable mass and should be considered as a material precedent when considering the current application. To ensure the development was financially viable the scheme was increased to a three dwellings with the further application which was also approved.

We recently withdrew the application for the proposed house – Application Ref: 20/01535/FLL, to review the statutory consultee feedback and to address the three main areas of concerns:

- Roads and Transport – Junction and Lay-by relationship.
- Conservation – Trees on the bank and setting within the conservation area.
- Policy – Designation of open space in latest Local Development Plan 2019

Site context and appraisal.

The site is positioned between the south of the Perth road in Birnam and the A9, the site under our clients ownership is approximately 0.52 acres (2119m2) – Blue site outline and the site proposed as part of this application is 0.21 acres (866m2) – Red site outline – Drawing reference PL(90)002_Rev A. The land is currently unused and consists of a flat area of grass with a steep tree lined slope to the south. To the south east, there are 3 small cottages of traditional character (1 & ½ storey) set back from the boundary and to the north, there is a recently completed development of 4 new properties and a new 3 storey block of flats.

The ground is currently in Mr Fyfe's ownership and is unused but forms garden ground for the currently approved single dwelling. The settlement pattern of residential development consists of mixed density around the application site. There are a combination of historical buildings (to the north east) and newer properties to the north west. Most properties in the area have garden / amenity ground less than 50% of their respective ground.

Access to the site is via an existing dropped kerb on the north boundary adjoining the Perth road.

Photo No 1. – Image of site from main road heading south.

Photo No 2. – Image of site from main road heading north.

URBAN RURAL
DESIGN STUDIO

Photo No 3. – Image of site

Photo No 4. – Image of adjacent site

URBAN RURAL
DESIGN STUDIO

Example of similar house cosented in Birnam

Example of similar house cosented in Birnam

URBAN RURAL
DESIGN STUDIO

Planning Policy:

We have assessed the development plan policies with which our application site will be assessed under and we have noted them below:

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2019.

*"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." (*TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012)"

Our application site is located within the village of Birnam and just on the edge of the conservation area designation - as set out in the adopted Perth and Kinross Local Development Plan:-

Policy 28: Conservation Areas Policy 28A: New Development

The Council will support proposals for *development within a Conservation Area if the proposals preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate and sympathetic to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken for the area, the details contained in that appraisal should be used to guide the form and design of new development proposals. Applications for Planning Permission in Principle in Conservation Areas will not be considered acceptable without detailed plans, including elevations, which show the development in its setting.*

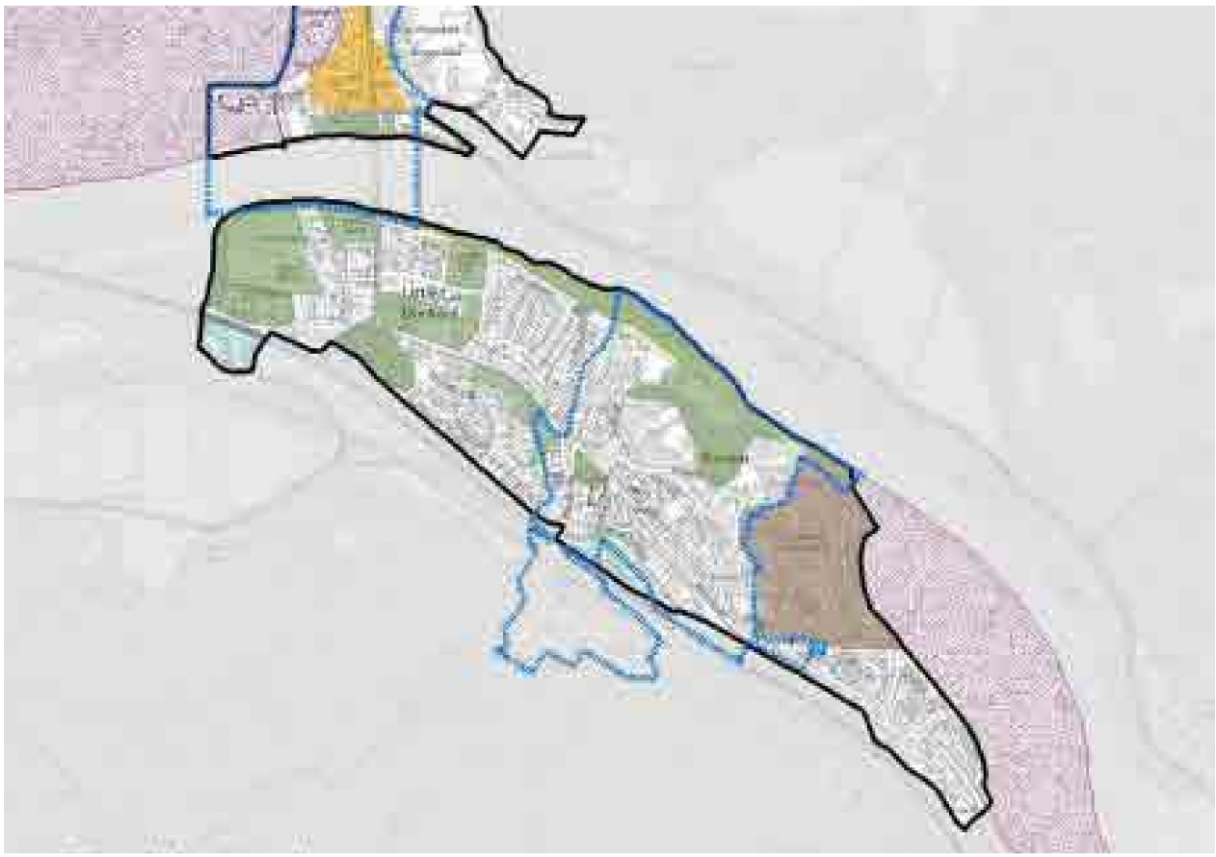
Policy 14: Open Space Retention and Provision Policy

14A: Existing Areas Areas of open space, parks, outdoor sport facilities, including sport pitches, and allotments/community growing areas, are areas of land which have value to the community for either recreational or amenity purposes; these areas are located both within and outside settlement boundaries. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:

(a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.
(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.
(c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.
(d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.

The designation of open space on the latest local plan dated 2019 appears to have ignored the consented scheme for a house and garden on this area of land and therefore the precedent has been set and approved for development of this area of open space.

Please refer to the appended planning statement coving this policy in more detail.



Extract from Local Plan – Dunkeld and Birnam

Policy PM1A: Placemaking.

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

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

Under the Council's Policy Guidance, we believe favourable consideration will be given to proposals for the development of the site.

Scale and Design

The footprint provides a comfortable family home and the elevations of the proposed dwelling house illustrate that it is traditional in form and scale which will complement the existing dwelling houses located in and around Birnam, with a slate pitched roof design and good quality external materials.

The application site is positioned within the centre of Birnam. Ladywell cottages to the south are of a fairly traditional design with dormered windows on slated steep pitch roofs. The windows are white painted sliding sash set within grey rendered walls. Boundaries are finished with a combination of timber post and rail / mesh fencing. The new properties to the north are a contemporary take on the traditional vernacular where the walls are white render with grey framed tilt and turn windows.

The roof pitches mimic the existing properties and are finished in Spanish slate. Small areas of natural timber cladding break the expanse of smooth white render. Boundary treatment is post and wire fence abutting the public road.

The house has been redesigned to avoid any impact on the bank behind and the trees locate within the bank, therefore there is no impact on the bank or the trees. Therefore the redesign of the scheme has addressed the conservation officers concerns in relation to tree retention.

Visual Impact and character

The proposed dwelling will not have a detrimental visual impact on the adjacent properties, and it will respect it's context and surrounding character. The proposed dwelling house in our opinion meets the required siting criteria and the guidance. When considering the scale in relation to the historic buildings, the adjacent house currently under construction, which is of greater massing, is adjacent to the listed cottages which will not be visible from the proposed house location in due course.

The scheme consented and subsequently built directly opposite the site is of far greater mass and has a far greater impact on the conservation area setting despite sitting just outside the curtilage of the conservation area, therefore the precedent has been set by this massing and location of this development. The current proposed House would result in a 1 and half storeys and the block of flats opposite are sitting at three storeys in height.

Residential Amenity

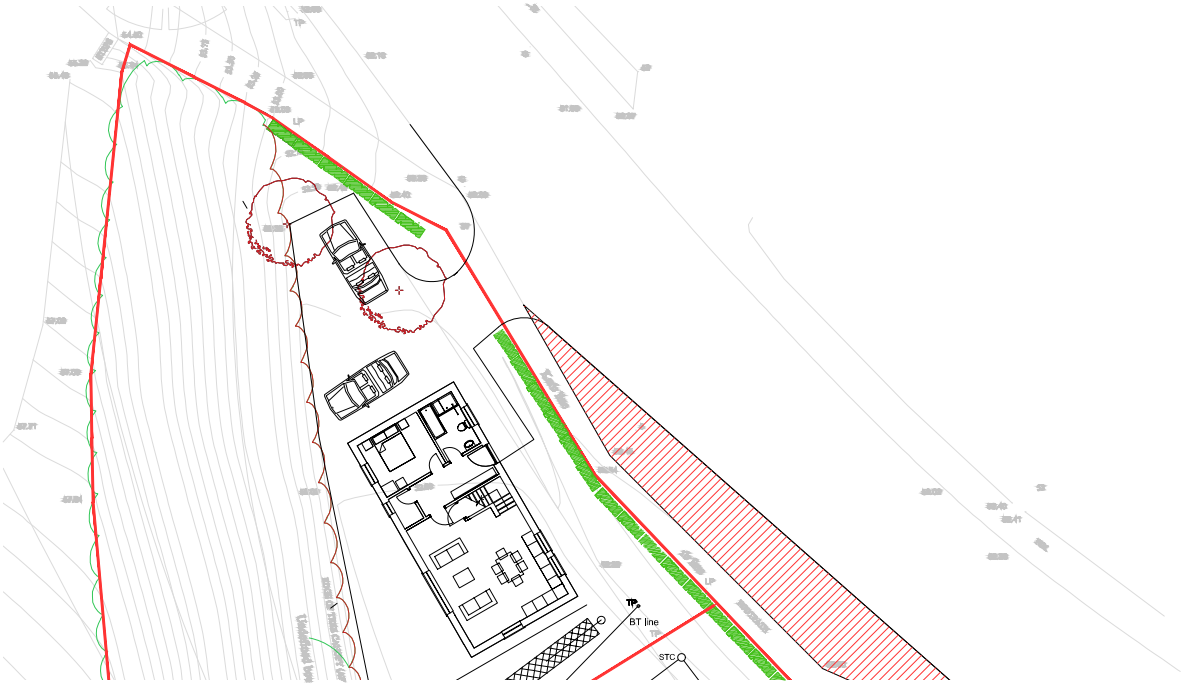
The plot size is sufficient to accommodate the dwelling house and provide a suitable level of amenity for the occupiers in terms of private garden ground. The siting of the dwelling house will not have any detrimental impact on any neighbouring residential properties.
Services - The site is served by public sewer and mains water supply. Electricity is close to site as is BT. Access to and from the site is relatively level. Birnam is well served with public transport, there are bus stops within 100m of the site which provide regular services to Perth and the surrounding areas. Birnam train station is with 5 minutes' walk.

Access and parking / Accessibility

Transport planning raised concerns regarding the vehicle access for the dwelling house and assumed that the access was to be taken through the existing lay-by on Perth road. The had concerns therefore with access/egress issues arising for the property and the potential loss in available car parking capacity of the lay-by. We can confirm that the proposed junction sits out with the lay-by and therefore has no impact on the layby capacity and parking numbers. As the access and egress doesn't have a detrimental impact we trust roads and transport would lift their objection to our revised application.

The house has been redesigned to address concerns resulting from the proximity to the rear bank and we can confirm there is sufficient space within the plot for car parking and turning facilities.

The property has been designed in line with the current Building Regulations and provides: Adequate vehicular access to the property Gradients sufficient to allow any new roadways to drain but provide universal access from the designated parking spaces towards the entrance Level entrance platts and thresholds Entrance lobbies with sufficient space for a wheelchair user and assistance to manoeuvre between the doors A kitchen area with sufficient space for a wheelchair user to manoeuvre. Level access out onto the path and proposed landscaping.



Extract from Site Plan – Noting layby

URBAN RURAL
DESIGN STUDIO

Photos of layby

The Design Solution.

The proposed new dwelling provides a considerable reduction in footprint and massing compared to the currently approved house and the previously approved scheme. The house has been sympathetically designed to incorporate aspects of both the consented scheme and in relation to the new dwelling proposed across the street and currently under construction with elements of the local vernacular.

Wet dash rendered finish to the main prominent roadside elevations (north, east and west) will ensure the house blends sympathetically and balances the material selection with consented and existing properties. White render to the southern elevation will allow the limited sunlight to reflect into what could be a dark space given the close proximity of the steep embankment along the southern boundary. The design of the house and material selection has given careful consideration to the neighbouring properties. Its position has been set back off the main road to reduce the visual impact on the street scene when viewed from either direction. The position respects the existing topography and proposes minimal variation in levels. The existing trees

along the western boundary will provide a mature backdrop, there are a number which are required to be removed , however predominantly this tree belt will remain.

Accommodation

The main entrance is located on the east elevation, leading directly into the main entrance hall and from here you can access the main living spaces (kitchen, dining, lounge) and ground floor bedroom. The secondary door, on the west elevation will be the rear and access to the rear garden from the living room. A central staircase leads to the upper floor where there are two bedrooms provided and a bathroom area.

Materials

We feel that the approach of utilising a traditional form with traditional materials will work extremely well on this site through well considered and appropriate detailing, which will present a lovely property.

The property has a timber frame structure and clad in rendered blockwork, the eaves and gable ends will have considerable overhangs to protect the elevations and to add depth to the elevations. The roof finishes will be natural slate and, where noted lead, adding a variation in texture and the appearance.

Sustainability

The approach to sustainable design is a holistic one where all aspects are integrated into a single design approach rather than a fragmented piece meal one, as we believe that simple solutions are better than over complicated solutions, which rely upon bolt-on technologies.

Wind and Solar

The building sits well in it's context and does not overwhelm the surrounding landscape. The proposed orientation provides a sheltered, milder microclimate along the north elevation and the proposed landscaped garden.
The building will be well insulated and the adoption of timber-framed construction will achieve an excellent level of air tightness. Cross ventilation is provided in the main living spaces to avoid overheating in summer. An optional draft lobby is available at the main entrance and the entrance lobby which also acts as a draft lobby to minimise heat loss.

Materials

One of the main aims of sustainability is to exploit all opportunities to recycle and reuse products and generally reduce production in the first place, both during construction and after occupation of a development. The proposals indicate a timber framed building with significant environmental credentials. We have a wide range of experience in designing, specifying and detailing low energy buildings. Our approach is a holistic one and we believe the simplest solutions are the best. The starting point for how we approach this is through the design process itself, and in that process we first consider the basics of the design. We make use of this experience and current best practice and guidelines, for example BRE Green Guide to Specification, BRE Sustainability Checklist for Developments, SEDA Design for Airtightness, amongst others.

Moreover, we have experience of working with contractors to reduce waste on site and it is often simple actions, such as understanding how construction waste can be avoided or re-used, that can make the biggest difference. The proposed house will be insulated to meet the technical standards and the glazing fenestrations will be designed with the view to further minimisation of heat loss at or above prescribed limits.

Trees

The proposals will mean in the loss of 2 very small scale non native trees as a result of forming the entrance road and the garden area. The trees are not of any significant scale and replacement planting is proposed within the garden area.

We do not believe the removal of these trees will have a detrimental impact on the setting and therefore, in turn, Policy 39 of the Perth and Kinross Local Development Plan 2 (2019) Ensuring Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience is retained.

Flooding

Our identified site is in close proximity to the Inchewan burn however the site is out with the SEPA flood map flooding zone and we therefore do not believe flooding will be an issue.

Conclusion

The overall design of the proposed house has been amended in response to the concerns raised as part of our previous application. The house respects and works with the existing topography, layby location and rear bank. The house is also of a similar scale to that previously consented in siting and massing at this location.

The principal of development at this location had been established with the previous planning consents and we believe there are no sound reasons, therefore, not to accept the house as proposed as part of the application.

In conclusion the applicant has taken on board the comments of the Planning Department and has made changes to the proposed design. The orientation of the proposed house has also been altered to reflect previous consents on the site. We trust that the planning authority can now support this revised proposal.

URBAN RURAL
DESIGN STUDIO

LRB-2021-34 - 21/00687/FLL - Erection of a dwellinghouse and formation of vehicular access, land 50 metres north east Of Ard-Darach, Perth Road, Birnam

REPRESENTATIONS

Thursday, 29 April 2021

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

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

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

Dear Sir/Madam

SITE: Land 50 Metres North East Of Ard-darach, Perth Road, Birnam, PH8 0AA
PLANNING REF: 21/00687/FLL
OUR REF: DSCAS-0038865-FDV
PROPOSAL: Erection of a dwellinghouse and formation of a vehicular access

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

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

Surface Water

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

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

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

General notes:

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

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

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

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

Non Domestic/Commercial Property:

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

Trade Effluent Discharge from Non Dom Property:

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

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

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

Yours sincerely,

Pamela Strachan
Development Operations Analyst
Tel: 0800 389 0379
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

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Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00687/FLL	**Comments provided by**	Diane Barbary
Service/Section	Conservation	**Contact Details**	
Description of Proposal	Erection of a dwellinghouse and formation of a vehicular access		
Address of site	Land 50m NE of Ard-darach, Perth road, Birnam		
Comments on the proposal	The site of the proposed dwellinghouse is in the Birnam Conservation Area and in close proximity to listed buildings. I note the revised scheme allows retention of the majority of the trees on site. Appropriate conditions should be attached in relation to protection of trees during construction and thereafter. The dwellinghouse currently under construction adjacent to the site is closer to the listed buildings to the south (Ladywell Cottages and Lindisfarne, both category C listed). The additional visual impact from the proposed dwellinghouse is likely to be minimal. However, its location at the western entrance to the conservation area means that the proposed dwellinghouse would be visible in key views looking east and in the setting of the category B listed Birnam Hotel gates and annexe. It should be ensured that the external finishing materials are appropriate to the setting, including high quality natural slate and timber windows and doors.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	10/05/2021		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00687/FLL	**Comments provided by**	Lucy Sumner
Service/Section	Strategy & Policy	**Contact Details**	**Development Contributions Officer:** Lucy Sumner
Description of Proposal	Erection of a dwellinghouse and formation of vehicular access		
Address of site	Land 50 Metres North East Of Ard-darach Perth Road Birnam		
Comments on the proposal	**NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.** THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE. **Primary Education** With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of The Royal School of Dunkeld Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.		
Recommended planning condition(s)	**Summary of Requirements** Education: £0 **Total: £0**		
Recommended informative(s) for applicant			
Date comments returned	14 May 2021		

Consultation Response to a Planning Application

Consultee	Planning App. Ref:	Request Date	Response Date
Paul Kettles **Enforcement Officer (Trees)** **pkettles@pkc.gov.uk**	**21/00687/FLL**	**27.04.21**	**14.05.21**
Proposed Development	Erection of a dwellinghouse and formation of vehicular access		
Site Address	Land 50 Metres North East Of Ard-darach Perth Road Birnam		

Proposal	**Proposed development of a single dwelling within the Dunkeld / Birnam Conservation Area.**
Trees	**The site supports trees, but data concerning the existing trees within the application site has not been provided.** **Two trees are specifically noted at the access adjacent to the public road, and the wooded banking area of trees are marked up on the proposed site plan.** **The two trees referred to are shown to be retained within the proposed access, yet there is no information as to how this will happen without detriment to their roots systems and assessing potential adverse impact.** **In relation to the wooded banking and mature trees shown within the south side of the site, no details have been provided concerning these trees, and their associated health/condition/safety, and also no assessment as to whether the development will present any impact to these trees during construction.** **In light of the fact that the site is within the Conservation Area, an assessment of the impact of the proposed development on existing trees at the site that accords with BS5837:2012, should be submitted for consideration, and the current proposal is therefore unacceptable.** **The failure to provide relevant data is contrary to Policy 40 of the adopted local development plan.** **There does not appear to be any information relating to potential habitats and protected species at the application site. In light of the proximity of development to established woodland it would be appropriate to undertake assessment in this regard, in compliance with Policy 41 of the adopted local development plan.**
Recommendations	**Request tree survey details and an ecological report before determination of the application.** **Paul Kettles, Enforcement Officer (Trees)**

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	21/00687/FLL	**Comments provided by**	Dean Salman Development Engineer
Service/Section	Transport Planning	**Contact Details**	
Description of Proposal	Erection of a dwellinghouse and formation of vehicular access		
Address of site	at Land 50 Metres North East Of Ard-darach, Perth Road, Birnam		
Comments on the proposal	I note that the proposed vehicle access for the dwellinghouse has been moved in relation to the previous submission which had it through a well-used existing lay-by on Perth road, this benefits in minimising the loss of parking capacity of the lay-by, but no investigation or justification has been given that this loss has no net detriment to the local road network and is acceptable. I also have concern regarding the available visibility splay for egressing from the property being obstructed by parked cars using the lay-by presenting a road safety concern. Insofar as the Roads matters are concerned, I object to this proposal for the reason stated above.		
Recommended planning condition(s)			
Recommended informative(s) for applicant	All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department, as there may be apparatus within the existing footway and to obtain approval for any required alterations.		
Date comments returned	21 May 2021		

Development Management - Generic Email Account

From: TES Flooding Development Control - Generic Email Account
Sent: 15 June 2021 20:45
To: Development Management - Generic Email Account; David Niven
Subject: RE: Planning Application Consultation for Application No 21/00687/FLL

Hi David,

Apologies for delay in responding to this one.

I have no objection to this application.

Regards,
Gavin

-----Original Message-----
From: Development Management - Generic Email Account <DevelopmentManagement@pkc.gov.uk>
Sent: 27 April 2021 16:47
To: TES Flooding Development Control - Generic Email Account <FloodingDevelopmentControl@pkc.gov.uk>
Subject: Planning Application Consultation for Application No 21/00687/FLL

Please see attached.