

**TCP/11/16(384)**  
**Planning Application – 15/00900/IPL – Erection of dwellinghouse (in principle), Mailingsland, 9 Hunter Street, Auchterarder, PH3 1PA**

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**TCP/11/16(384)**  
**Planning Application – 15/00900/IPL – Erection of**  
**dwellinghouse (in principle), Mailingsland, 9 Hunter Street,**  
**Auchterarder, PH3 1PA**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000135219-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

### Agent Details

Please enter Agent details

Company/Organisation: MBM Planning & Development

Ref. Number:

First Name: \* Mark

Last Name: \* Myles

Telephone Number: \* 01738 450506

Extension Number:

Mobile Number:

Fax Number: 01738 450507

Email Address: \* mm@mbmplanning.co.uk

You must enter a Building Name or Number, or both:\*

Building Name: Algo Business Centre

Building Number:

Address 1 (Street): \* Glenearn Road

Address 2:

Town/City: \* Perth

Country: \* UK

Postcode: \* PH2 0NJ

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="John"/>
Last Name: *	<input type="text" value="Stainton"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:\*

Building Name:	<input type="text" value="Mailingsland"/>
Building Number:	<input type="text" value="9"/>
Address 1 (Street): *	<input type="text" value="Hunter Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Auchterarder"/>
Country: *	<input type="text" value="United Kingdom"/>
Postcode: *	<input type="text" value="PH3 1PA"/>

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="Mailingsland"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="9 Hunter Street"/>	Town/City/Settlement:	<input type="text" value="Auchterarder"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH3 1PA"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="713138"/>	Easting	<input type="text" value="294887"/>
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## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*

(Max 500 characters)

Erection of dwellinghouse in principle

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached statement and supporting documents

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 the new matter, 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: \* (Max 500 characters)

A revised 'indicative plan' has been included within the submission to show that the position of any house can be altered on the site to address any concerns. The appointed officer raises concerns in the Report of Handling about the 'indicative layout' but gave no opportunity for a revised plan to be submitted

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

Application form, refused plans, decision notice, Report of Handling, Tree Report, amended indicative layout plan, planning appeal decision and plans of site at 1 Hunter Street and statement in support of appeal

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00900/IPL

What date was the application submitted to the planning authority? \*

04/06/15

What date was the decision issued by the planning authority? \*

24/09/15

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

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

Please select a further procedure \*

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? \* (Max 500 characters)

We would strongly encourage the LRB to visit the site to consider how the proposed development fits into the surrounding area in accordance with the requirements of the Local Development Plan

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

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)



## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mark Myles

Declaration Date: 27/10/2015

Submission Date: 27/10/2015



## 1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review submitted on 27<sup>th</sup> October 2015, on behalf of Mr & Mrs J Stainton for the erection of a dwellinghouse (in principle) at Mailingsland, 9 Hunter Street, Auchterarder. The planning application (15/00900/IPL) was refused by PKC on 24<sup>th</sup> September 2015 for the following reason:
- The proposal is contrary to Policies PM1A and Policy RD1 a) and c) of the Proposed Local Development Plan 2014 which both seek (amongst other things) to protect or improve the character and amenity of existing areas from inappropriate developments. The proposal, by virtue of its siting in a backland location, does not respect its environs and would not contribute positively to the quality of the surrounding built and natural environment
- 1.2 The proposal requires to be considered under the terms of the Perth & Kinross Local Development Plan (PKLDP) (**Policies RD1, PM1A and PM1B**) which was adopted in February 2014.
- 1.3 We contest the council's reason for refusal of the planning application for the reasons set out in this statement.

## 2. Response to PKC Reason for Refusal.

- 2.1 The reason for refusal refers to Policies PM1A and RD1 of the 'Proposed' Local Development Plan. It is not the '**Proposed**' Local Development Plan (LDP) as incorrectly stated in the reason for refusal as the LDP was adopted by the council in February 2014. Whilst this may be considered to be a minor point this adds to the impression that the proposal was not properly considered by the appointed officer or team leader. What is also clear from the reason for refusal is that none of criteria listed under Policy PM1B (which are relevant to the consideration of this case) have been included within the reason for refusal.
- 2.2 The reason for refusal focuses on the perceived backland location of the proposed new house site, simply on the basis that the proposed plot is located to the rear of no.9 Hunter Street. No further analysis or discussion of this point is contained in the Report of Handling which also states that there are no other similar development in this part of Hunter Street. This statement is also factually incorrect as pointed out further below.
- 2.3 The site extends to 0.065 ha and is completely separate from the main garden ground of no. 9 Hunter Street. Whilst the location of the proposed plot is to the rear of no. 9 Hunter Street, this proposal cannot be considered to be what would typically constitute a backland development. The proposed plot has its own private access to

Hunter Street separate from the adjacent dwelling whereas a typical backland development would usually share the same access. This is not the case here.

- 2.4 In addition the indicative layout plan shows that the house would be positioned and orientated towards the adjacent public open space and play park i.e. it benefits from having its own site frontage. Again this is completely different from sharing and being back to back with the rear boundary of no. 9 which would be a normal feature of backland development and simply does not apply in this situation.
- 2.5 As the orientation of the proposed house would be at 90 degrees to the existing house and its garden and there are no residential properties to the north, there would be no issues with overlooking, loss of privacy or impact on amenity on existing or future residents.
- 2.6 The appointed officer states that there are no other similar developments in Hunter Street. This statement reaffirms the applicant's belief that this proposal was not properly or fully considered by the officer. From undertaking a planning history search of the adjoining area it has been established that planning permission for the erection of a house located to the rear of Nos.1 and 3 Hunter Street i.e. only 3 gardens away from the current site, was approved on appeal by a Scottish Government Reporter in February 2007 (P/PPA/340/529) copy decision and plan attached. Two subsequent renewals of that permission were then granted by the council. For the council to therefore suggest that there are no other similar developments in this part of Hunter Street is completely misleading and inaccurate. In addition we would ask the LRB to note that the appeal permission was granted on a much smaller site (240 sq m) compared to the current application site which extends to 650 sq m.
- 2.7 Contrary to the statement in the reason for refusal, this proposal does fully respect its environs and the character and pattern of the surrounding built environment.
- 2.8 The appointed officer requested that a tree survey be undertaken in support of the application and this was duly provided at additional expense to the applicant despite the fact that appointed officer was clearly minded to refuse the application regardless. The potential impact to the root system of the two copper beech trees had been raised as a concern based on the indicative layout plan. A revised indicative layout plan could have been requested by the appointed officer (such as the additional copy plan attached) to show that the house could be pulled further forward on the site so that it is located centrally between (but outwith) the root systems of the two trees. Pulling the house further forward also has the benefit of creating a larger rear private garden space for the proposed house. It would be possible for the house to be moved further if required but this type of detailed site analysis would normally be for the detailed stage (or a matters specified in conditions application) to consider.
- 2.9 Under the heading of residential amenity the appointed officer takes issue with the fact that the indicative layout shows a distance of 3.5 metres from the rear (south)

elevation to the neighbours wall. At the same time the officer then responds to the one objection that was received by stating that full details of design and siting would be considered should a detailed application be submitted. The officer can't have it both ways. Either the indicative plan is just that, or if it is to be used as the basis for a more detailed analysis then amendments could have been sought prior to determination as has been shown on the attached amended plan.

- 2.10 Being located within the Auchterarder settlement boundary, Policy RD1 would apply to this application. This policy seeks to encourage residential and compatible uses where existing residential amenity will be protected and where possible improved.
- 2.11 In particular Policy RD1 states that encouragement will be given to proposals which fall into one or more of the categories listed under the policy, and which are compatible with the amenity and character of the area. The key category consideration for this proposal is category a) which reads **'infill residential development at a density which represents the most efficient use of the site while respecting its environs.'**
- 2.12 Policy PM1 within the Local Development Plan further adds that the design, density and siting of development should respect the character and amenity of the place. Category c) of Policy PM1B specifically states that **the design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.**
- 2.13 This part of the town is largely residential in character (although there are some business uses located nearby) and there is a mixture of property styles, designs and scales in the vicinity of the site. In addition new houses at Hunters Meadow are being built close to the eastern boundary of the application site. This proposal would involve development of a single storey house and restricting the development to single storey represents an efficient use of the site that could be a condition of any approval. The density and plot ratio are also entirely comparable to neighbouring properties.
- 2.14 As highlighted above the area is not characterised solely by long rear gardens as other developments have been approved nearby. The views from Hunter Street are open across the playpark towards the site and this would remain completely unchanged. The coper beech trees along the edge of the site would be retained and would continue to form an attractive backdrop to the park. The proposed single storey development is not a substantial building and as such contrary to the overly negative picture that has been painted by the appointed officer in the Report of Handling, this proposal would not have an adverse visual impact on the setting of the playpark or on the character of this part of Hunter Street.
- 2.15 This proposal therefore blends in with the overall mix and character of the area, whilst representing an efficient use of the site and respecting the local environment without

causing any adverse impact to existing or proposed residential amenity, all in accordance with the requirements of Policy RD1.

- 2.16 The proposed application can be considered as being compatible with the character of the area and is an infill development which is of a density that respects its environs, without any adverse impact on the amenity of the area.
- 2.17 The proposal therefore satisfies the key criteria as set out in Policy RD1 and PM1A and PM1B of the Perth & Kinross Local Development Plan and therefore can be approved as being in accordance with the Development Plan.
- 2.18 We therefore simply ask that the LRB take all of the above into account and we would also strongly encourage the LRB to visit the site to consider how the proposed development fits into the surrounding area in accordance with the requirements of the Local Development Plan.

<b>3</b>	<b>Conclusions</b>
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- 3.1 The reason for refusal is not considered to be valid as the proposal is considered acceptable in terms of scale, density and its overall relationship with the existing house, the trees and also the neighbouring properties such that there would be no adverse impact or detriment to the character or environment of the surrounding area.
- 3.2 There would be no loss of amenity or privacy to any neighbouring property.
- 3.3 The site benefits from its own access and would enjoy its own site frontage facing out towards the playpark so cannot be considered to be 'backland' development.
- 3.4 A precedent for this form of development in Hunter Street has previously been accepted by a Reporter and the council.
- 3.5 We would therefore respectfully request that this Notice of Review is determined as being in accordance with Policy RD1 and PM1A/PM1B of the Local Development Plan and that the appointed officers decision is overturned subject to any conditions that may be considered necessary by the Local Review Body.

# PERTH AND KINROSS COUNCIL

Mr John Stainton  
c/o Studio K Architects  
Kaz Kwiatkowski  
14 Hunter Street  
Auchterarder  
Perthshire  
PH3 1PA

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 24.09.2015

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **15/00900/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 4th June 2015 for permission for **Erection of dwellinghouse (in principle) Mailingsland 9 Hunter Street Auchterarder PH3 1PA** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policies PM1A and Policy RD1 a) and c) of the Proposed Local Development Plan 2014 which both seek (amongst other things) to protect or improve the character and amenity of existing areas from inappropriate developments. The proposal, by virtue of its siting in a backland location, does not respect its environs and would not contribute positively to the quality of the surrounding built and natural environment.

### Justification

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

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

**Plan Reference**

**15/00900/1**

**15/00900/2**

**15/00900/3**



15/00900/1PL

**APPLICATION FOR PLANNING PERMISSION**

Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying **Guidance Notes** when completing this application  
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	JOHN	Forename	KAZ
Surname	STANTON	Surname	KWIATKOWSKI
Company Name		Company Name	STUDIO K ARCHITECTS
Building No./Name	MAILINGLAND	Building No./Name	14
Address Line 1	HUNTER ST	Address Line 1	HUNTER ST
Address Line 2		Address Line 2	
Town/City	AUCHTERBADER	Town/City	AUCHTERBADER
Postcode	PH3 1PA	Postcode	PH3 1PA
Telephone		Telephone	01764 663715
Mobile		Mobile	07902 164566
Fax		Fax	
Email		Email	STUDIOK@BTINTERNET.COM
<b>3. Postal Address or Location of Proposed Development (please include postcode)</b>			
MAILINGLAND HUNTER STREET AUCHTERBADER PH3 1PA			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Type of Application</b>			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

### 5. Description of the Proposal

Please describe the proposal including any change of use:

PROPOSED SINGLE STORY BUNGALOW WITH ROOM IN-  
ROOF ACCOMMODATION (IN OUTLINE).

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:  Date:  Ref No.:

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):  Square Metre (sq.m.)

## 8. Existing Use

Please describe the current or most recent use:

GARDEN GROUND TO REAR OF EXISTING HOUSE.

## 9. Access and Parking

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

Yes ☐ No ☒

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

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

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

NONE

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

2

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

## 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

☒

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☒ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

### 12. Trees

Are there any trees on or adjacent to the application site?

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

BIN STANDING WITHIN GARDEN.

### 14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☐ No ☐

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☐

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☐

Signature

Name:

K KWIATOWSKI

Date:

20/05/15

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.


#### I hereby certify that -

- (1) No person other than myself NIPUAST was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

Signed:

On behalf of:

Date:

  
J STANTON  
20/05/15

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

#### I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐





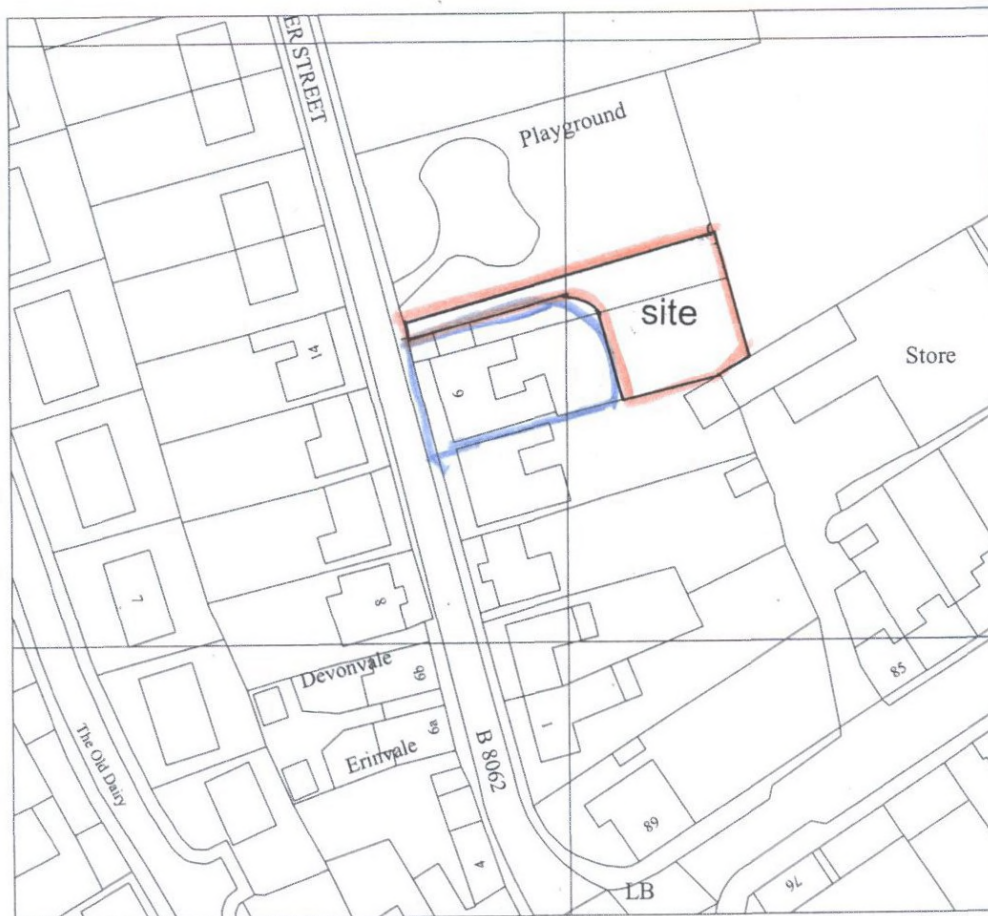
Location Plan

PERTH AND KINROSS COUNCIL

DRAWING REF: 15/00 900 / 1

<p>Client</p> <p>Mr J Stanton</p>	<p><b>StudioK Architects</b>          14 Hunter Street, Auchterarder PH3 1 PA          Tel 01764 663795 Mob 07902 164566          e-mail - <a href="mailto:studiok@btinternet.com">studiok@btinternet.com</a></p>	
<p>Project</p> <p>Proposed New House          At Mailingsland,          Hunter Street,          Auchterarder.</p>	<p>Scale</p> <p>na</p>	<p>Drawn</p> <p>KK</p>
<p>Drawing</p> <p>Location Plan</p>	<p>Date</p> <p>May 15</p>	<p>Rev Date</p>
	<p>Job No</p> <p>1505</p>	<p>Dwg No</p> <p>LP01</p>





Location Plan 1:1250

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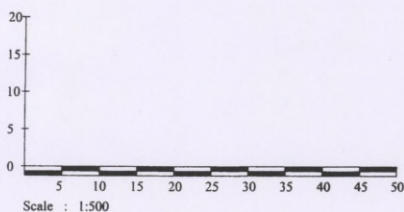
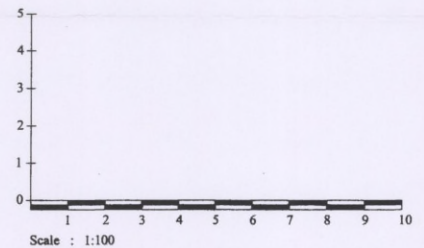
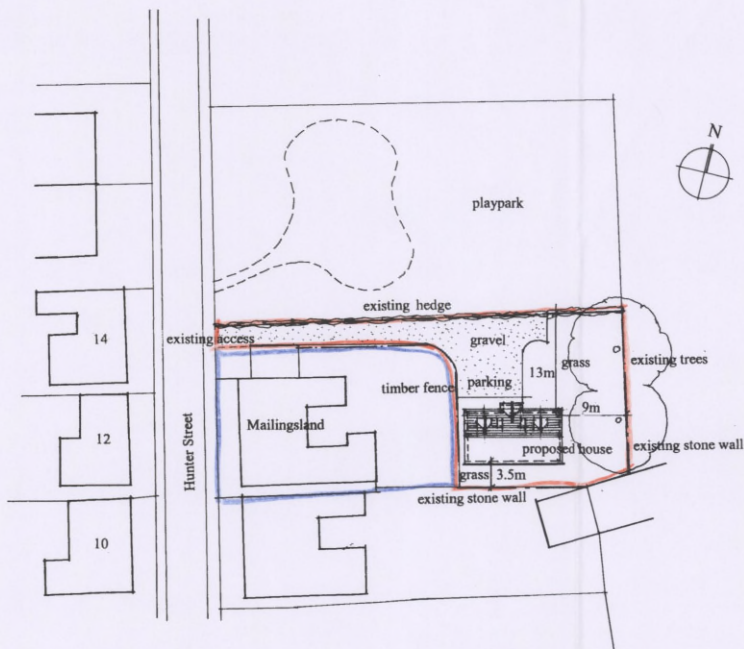
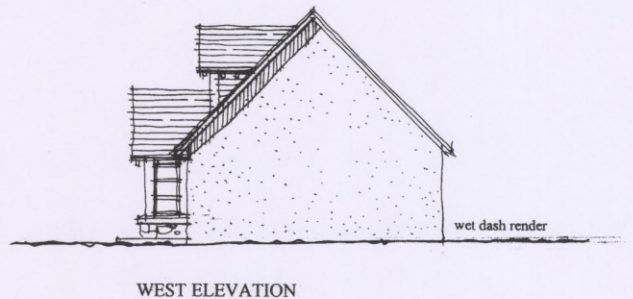
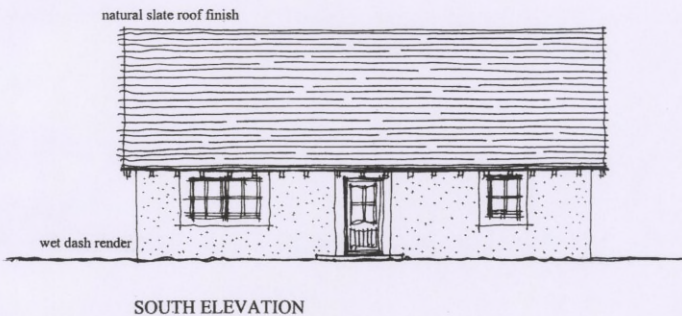
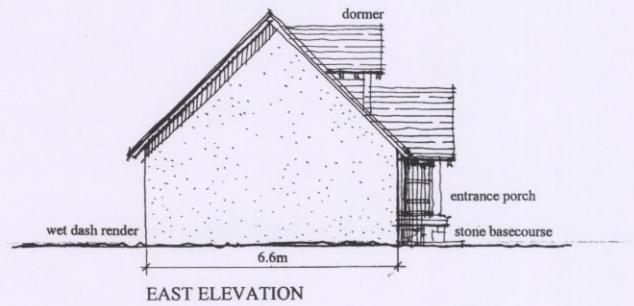
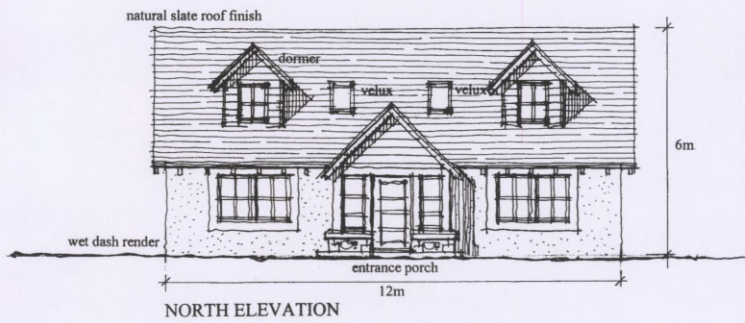
Scale : 1:1250

PERTH AND KINROSS COUNCIL

DRAWING REF: 15/00900/2

Client Mr J Stanton	<b>StudioKArchitects</b> 14 Hunter Street, Auchterarder PH3 1 PA Tel 01764 663795 Mob 07902 164566 e-mail - <a href="mailto:studiok@btinternet.com">studiok@btinternet.com</a>	
Project Proposed New House At Mailingsland, Hunter Street, Auchterarder.	Scale 1:1250	Drawn KK
	Date May 15	Rev Date
Drawing Location Plan	Job No 1505	Dwg No LP02



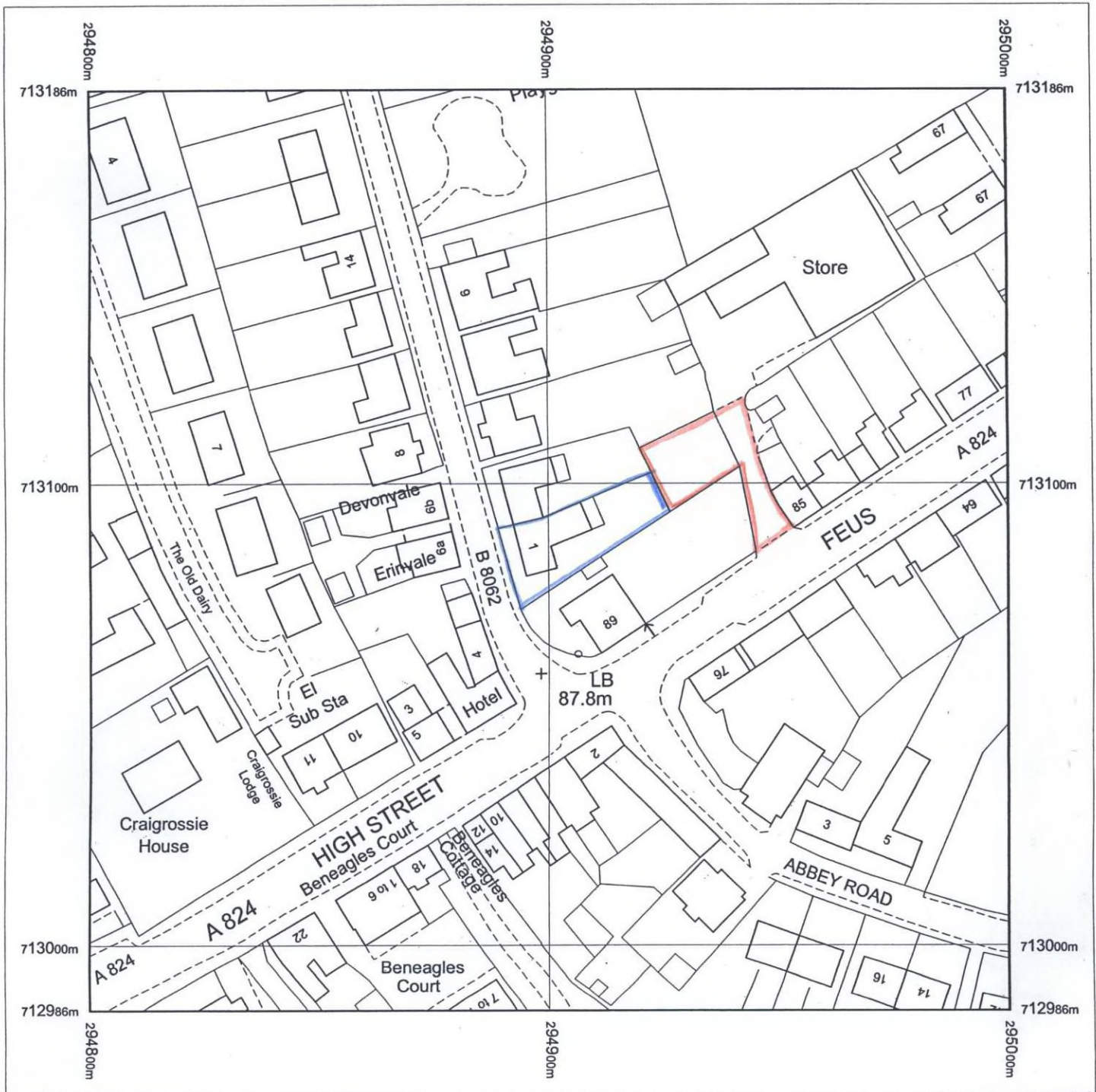


PERTH AND KINROSS COUNCIL  
DRAWING REF: 15/00900/3

<b>StudioK Architects</b> <small>14 Hunter Street, Auchterarder, PH13 1PA  Tel 01754 953795 Mob 07902 164586  e-mail - studiok@btinternet.com</small>		
Client	Mr J Stainton	
Project	Proposed New House At Mailingsland, Hunter Street, Auchterarder. ( In Outline )	
Drawing	Proposed Site Plan & Supporting Sketches	
Scale	1:500 1:100	Drawn KK
Date	May 15	Rev. Date
Job No.	1505	Draw. No. P01
Rev.		







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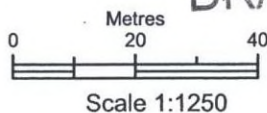
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The representation of features as lines is no evidence of a property boundary.

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**1 HUNTER STREET  
AUCHTERADER  
PERTSHIRE PH3 1PA**

**263**

DRG NO 637/01

PERTH AND KINCROSS COUNCIL

DRAWING REF:

10/00173/1

Building Warrant  
& Planning Applications

ROSEMARY  
MCALLISTER Dip. AD



10 Cleeve Drive  
Perth PH1 1HH

Telephone  
01738 561684

www.mcallisterdesign.co.uk  
email: rosemary@mcallisterdesign.co.uk



11 HUNTER STREET  
AUCHTERADER  
PERTHSHIRE PH31PA

ROSEMARY  
MCALLISTER Dip. AD

DRG. NO. 637/02



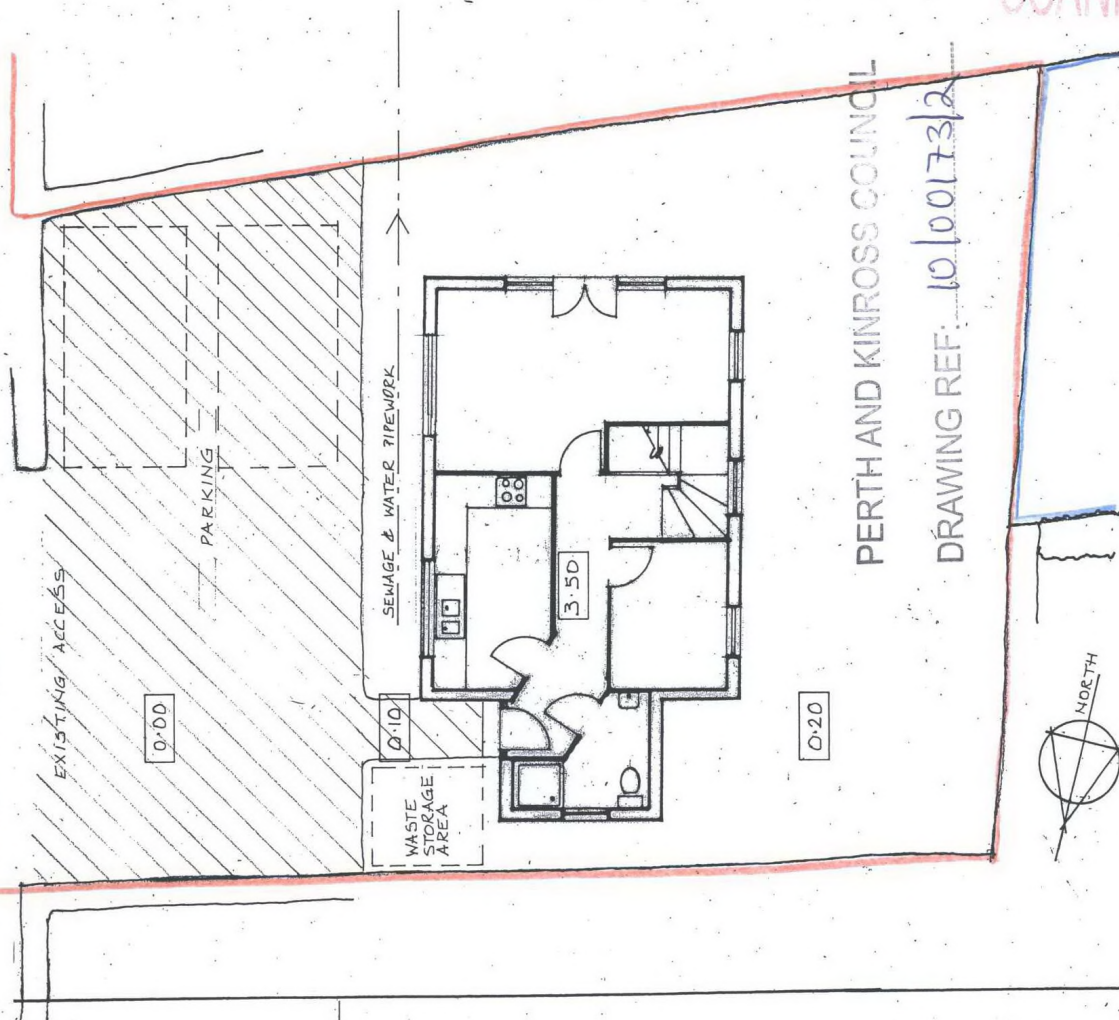
10 Cleeve Drive  
Perth PH1 1HH

Telephone  
01738 561684

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

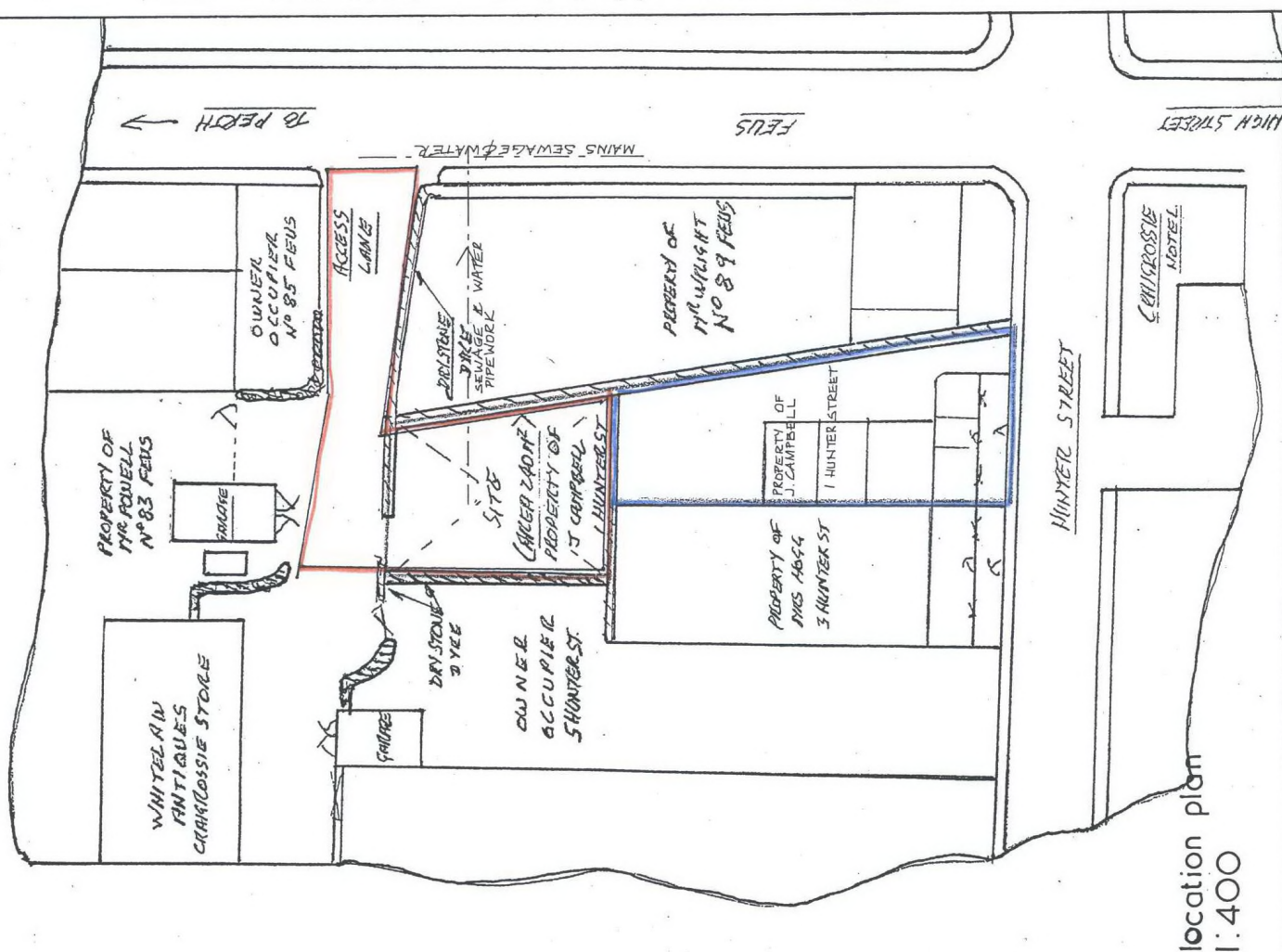
email: [rosemary@mcallisterdesign.co.uk](mailto:rosemary@mcallisterdesign.co.uk)

site plan 1:100

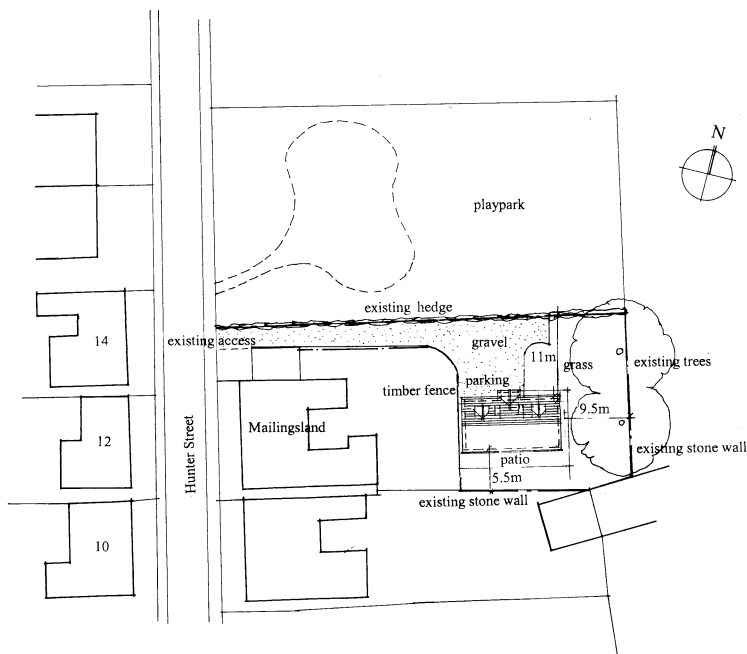
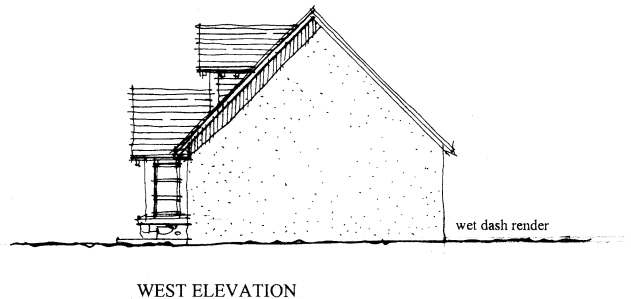
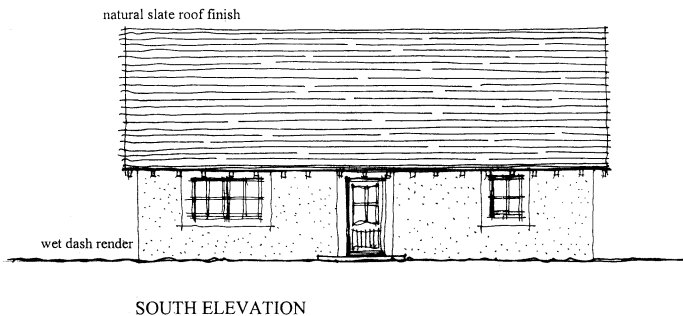
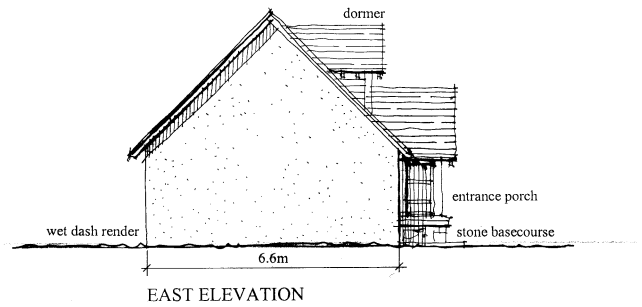
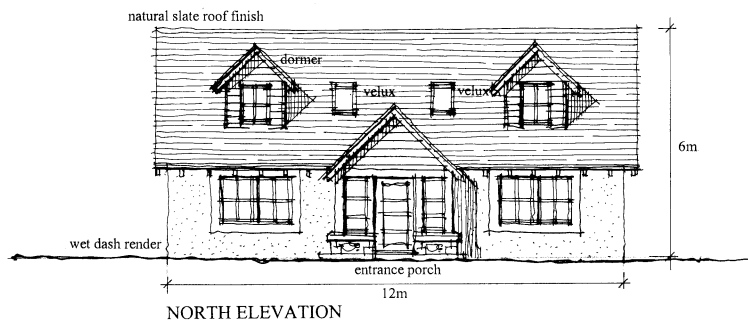


PERTH AND KINROSS COUNCIL

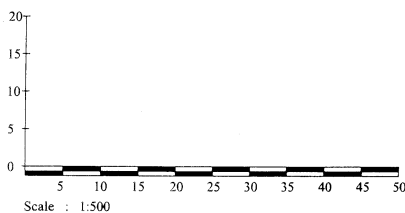
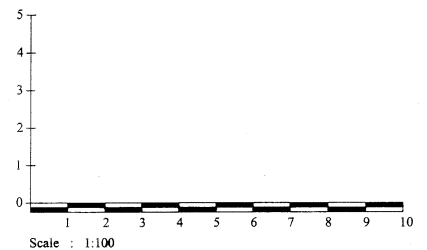
DRAWING REF: 10100173/2



location plan  
1:400



SITE PLAN 1:500



Rev A – House repositioned on site

<b>StudioK Architects</b> 14 Hunter Street, Auchterarder. PH3 1PA Tel 01764 663795 Mob 07902 164566 e-mail - studiok@btinternet.com			
Client Mr J Stainton			
Project Proposed New House At Mailingsland, Hunter Street, Auchterarder. ( In Outline )			
Drawing Proposed Site Plan & Supporting Sketches			
Scale 1:500 1:100	Drawn KK		
Date May 15	Rev. Date 02/10/15		
Job No. 1505	Drwg. No. P01	Rev. A	





## SCOTTISH EXECUTIVE

Development Department  
Inquiry Reporters Unit

4 The Courtyard, Callendar Business Park  
Callendar Road, FALKIRK FK1 1XR

DX 557005 FALKIRK

Telephone: 01324 696 451

Fax: 01324 696 444

[http://www.scotland.gov.uk/planning\\_appeals/seiru](http://www.scotland.gov.uk/planning_appeals/seiru)

Your ref: 05/02323/OUT  
Our ref: P/PPA/340/529

27 February 2007

Mr J Campbell  
Powhillock  
1 Hunter Street  
Auchterarder  
Perthshire  
PH3 1PA

Dear Sir,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 47 AND SCHEDULE 4**  
**PLANNING APPEAL: ERECTION OF DWELLING HOUSE AT 1 HUNTER STREET AUCHTERARDER**

1. I refer to your appeal, which I have been appointed to determine, against the refusal of outline planning permission by Perth & Kinross Council for the erection of a dwelling house at 1 Hunter Street, Auchterarder. I have considered the written submissions and made an accompanied inspection of the appeal site and the surrounding area on 24 January 2007. For the reasons explained in this letter, I have decided to allow the appeal and grant outline planning permission.

2. **The appeal site** comprises part of the garden at 1 Hunter Street, which is located off that part of the High Street known as Feus. The site is 19m long and 12.5m to 19.6m wide, and an approximate area of 240m<sup>2</sup>. The west boundary extends across the garden of 1 Hunter Street and would in part be adjacent to the garden of 3 Hunter Street, which is bounded by a dry stone wall. The boundaries with 5 Hunter Street to the north and 89 Feus to the south are also bounded by dry stone walls. On the east boundary there is a gated access from a private lane, which leads from Feus to a pedestrian access lane to properties fronting onto Feus, to the garage of 83 Feus, Whytelaw Antiques, and the garages and back gardens of 5 and 7 Hunter Street.

3. **The outline planning application** proposes one single storey dwelling house positioned in the centre of the plot with a footprint area of 48.53m<sup>2</sup>, approximately 18m from the rear elevation of 1 Hunter Street and 38m from its front elevation. Vehicular and pedestrian access would be from the private lane at the rear and two parking spaces would be provided. Foul drainage and surface water would be taken to the public sewer. The existing boundary walls would be retained and a 1.5m high



INVESTOR IN PEOPLE



fence would be erected on the west boundary with the existing house. The roof covering of the proposed house would be slate, the walls white harled, and the windows UPVC.

4. **In response to the outline planning application**, an objection from Scottish Water would be deemed withdrawn if planning conditions on the provision of drainage and water systems, and advice regarding current capacity issues at the Auchterarder Wastewater Treatment Works were satisfied. The council's Transportation Service would require turning facilities within the site to enable vehicles to enter and leave in a forward gear and a minimum of two parking spaces. The Perth and Kinross Heritage Trust recommended an archaeological investigation prior to any approved development. The occupier of 3 Hunter Street would have objected to a two-storey house.

5. **Planning permission was refused** for the following reason:

"The proposed development remains contrary to the Strathearn Area Local Plan Policy 2: Development Criteria, in that it does not have sufficient regard to the development form or density of the locality and that the site is not large enough to accommodate any residential development satisfactorily. In addition, it is considered that a satisfactory residential environment cannot be achieved with the proposed access shared by commercial premises."

6. **The development plan** comprises the Perth and Kinross Structure Plan, approved in 2003 and the Strathearn Area Local Plan (SALP) 2001, adopted in 2003. No structure plan policies have been drawn to my attention. SALP policy 2 sets out the criteria for development including: scale, form, colour and density in relation to existing development within the locality; compatibility with surrounding land uses; sufficient spare capacity in drainage and water; and satisfactory site size.

7. **In support of your appeal**, you consider that the proposal would be typical of lane and backland development in Auchterarder. Although residential and commercial uses currently share the rear access, the residential environment of the lane is well established. There would be open space all round the proposed house and the amenity of adjacent properties would not be adversely affected. You have quoted examples of houses positioned much closer to site boundaries than would be the case at 1 Hunter Street. You draw attention to planning approvals, where the council has been more flexible in its approach to residential development where reduced levels of amenity are appropriate. There is no policy statement requiring a plot size of at least 360m<sup>2</sup> and you quote an example of a conversion in the centre of Perth for 105m<sup>2</sup>, and new developments in Auchterarder where plot sizes of 220m<sup>2</sup> and 240m<sup>2</sup> have been approved. You believe that a small property would be especially attractive to retired people as it would be within easy walking distance of all amenities.

8. **The council** states that the site area of 240m<sup>2</sup> does not meet their practice of requiring new house sites in urban areas to be no less than 360m<sup>2</sup>. Consent from Scottish Water for a drainage connection would be unlikely at this time.

## CONCLUSIONS

9. Section 25 of the Act requires my determination in this case to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. I consider, based on my inspection of the appeal site and the written submissions, that the issues to be determined are whether the proposal is consistent with the relevant provisions of the SALP, and whether an exception to these provisions is justified by other material considerations.



10. **With regard to the development plan**, the appeal site is located within the centre of Auchterarder where the linear pattern of development largely consists of the main street with roads and lanes leading off. The private lane at the rear of 1 Hunter Street, giving pedestrian and vehicular access to the rear of residential properties and to Whytelaw Antiques, can be regarded as typical of the character of older settlement patterns. The proposed development would not adversely affect the character and form of the frontages of Hunter Street or Feus as it would be set back from both. 1 Hunter Street would retain adequate garden ground and there would be no adverse effect on the amenity of the neighbouring properties at 3 and 5 Hunter Street. The presence of Whytelaw Antiques in the private lane would not adversely affect the amenity of the proposed development. The mix of uses is well established and the proposal is acceptable to the council's Transportation Service, which has not raised any concerns over the increased use of the private lane from traffic generated by an additional house. The proposed development would be close to the amenities of Auchterarder including public transport. I conclude that the proposal would be acceptable in relation to existing development within the locality and would be compatible with surrounding land uses.

11. SALP policy 2 requires a site to be large enough to accommodate a development satisfactorily. The council has cited an established practice of applying a minimum plot size of 360m<sup>2</sup> but does not clarify any other criteria such as plot ratio, garden ground, town centre/suburban/open countryside location, or building volume. In this appeal case, the plot size is less than the standard minimum. However, approved variations of plot sizes for a conversion and new development elsewhere have demonstrated that plot size would not have been the sole consideration. In this case, the outline planning application indicates a dwelling centrally positioned on the plot, which would be a small single storey property surrounded by garden ground on all sides. I conclude that there would be sufficient balance between the plot size, the footprint of one dwelling, available garden ground, access and parking needs to support residential development in this location and to justify a relaxation of the standard minimum plot size.

12. Scottish Water's comments regarding potential drainage capacity constraints are noted but do not warrant the refusal of an outline planning application for residential development.

13. For the reasons given in paragraphs 10, 11 and 12 above, I conclude that the proposal would satisfy SALP policy 2 and would be in accordance with the development plan. I have taken account of all the other matters raised but find none that outweigh the considerations on which my decision is based. In exercise of the powers delegated to me, I therefore allow your appeal and, in response to your outline planning application dated 2 December 2007 (ref.05/02323/OUT), grant outline planning permission subject to the following conditions:

1. The development hereby permitted shall commence within 5 years from the date of this permission, or within 2 years from the date on which the last of reserved matters is approved, whichever is the later.  
*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.*
2. Before the expiration of 3 years from the date of this outline planning permission, and before development commences, a written application and plans in respect of the following reserved matters shall be submitted to, and approved by the council:
  - (1) The layout of the site showing the position of site boundaries, buildings, means of access, vehicle parking areas, and arrangements for the disposal of foul and surface water.

- (2) Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes to be sympathetic to other dwellings in the area.
- (3) Landscaping proposals showing the details of the type, position and number of planting to be undertaken, and details of all surfacing materials.

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.*

3. The proposed development shall not exceed 1.5 storeys in height.

*Reason: In the interests of visual and residential amenity.*

4. The further application required under Condition 2 above shall include:

- (1) Turning facilities should be provided within the site to enable all vehicles to enter and leave in forward gear.
- (2) A minimum of two car parking spaces shall be provided within the site.

*Reason: In the interests of road safety.*

5. No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the planning authority. Thereafter the applicant shall ensure that the programme of archaeological works is fully implemented within the development site and is undertaken to the satisfaction of the planning authority in agreement with the Perth and Kinross Heritage Trust.

*Reason: In order to safeguard the interests of archaeological heritage.*

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the prior written consent of the council.

*Reason: In the interest of amenity and in order to retain effective planning control.*

14. This decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks of the date of this letter, as conferred by sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992 or of any orders, regulations or rules made under these Acts.

15. A copy of this letter has been sent to Perth & Kinross Council and the parties who commented on the planning application.

Yours faithfully,

This was the version issued on 27 February 2007.

Krystyna Robinson  
Reporter

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	15/00900/IPL	
Ward No	N7- Strathallan	
Due Determination Date	03.08.2015	
Case Officer	Persephone Beer	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of dwellinghouse (in principle)

**LOCATION:** Mailingsland 9 Hunter Street Auchterarder PH3 1PA

#### 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:** 11 June 2015

#### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought in principle for the erection of a dwellinghouse within the rear garden of Mailingsland, Hunter Street, Auchterarder.

The site is accessed from Hunter Street to the side of Mailingsland along the side of a small play park.

The access is outwith the main garden ground of Mailingsland which is bounded by a wall.

The land between the wall and the hedge bordering the playpark was sold by the Council to the applicant some years ago to enable a garage extension to be built and would now provide access to the rear garden ground and potential house plot. I checked the history of this land sale with Community Greenspace as the applicant mentioned that the land had been mistakenly included in plans to refurbish the play park. This error was rectified when the playpark was upgraded in 2000/2001.

## **SITE HISTORY**

None.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

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

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

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

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM3 - Infrastructure Contributions**

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy NE2A - Forestry, Woodland and Trees**

Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.



## **OTHER POLICIES**

Developer Contributions Supplementary Guidance August 2014

## **CONSULTATION RESPONSES**

Community Waste Advisor - Environment Service

3 Bin Individual System

1 x 240 general

1 x 240 blue lidded bin

1 x 240 brown lidded bin

Bins are to be presented to the kerbside or road end for 7.30am on scheduled morning of collection.

Community Greenspace - Access Officers

Confirmation of play park boundaries. Would not like to see any loss of trees along boundary with play park.

Education And Children's Services

This development falls within the Auchterarder Primary School catchment area.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Contributions Officer

Primary Education

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Auchterarder A9 Junction

The application falls within the identified A9 Junction Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

Scottish Water  
No response.

Transport Planning  
No objection subject to condition.

## REPRESENTATIONS

The following points were raised in the one representation received:

New house would be in direct view of neighbours' house and garden. At the moment the trees in the current garden reduce the view of the new houses being built in the Hunters Meadow development.

I would respond that unless the proposed development impacted adversely in terms of overlooking or overshadowing the loss of a view is not considered a material planning consideration. Any detailed design would be assessed in terms of impact on neighbours.

## ADDITIONAL STATEMENTS RECEIVED:

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

## APPRAISAL

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

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

## **Policy Appraisal**

The site is within the Auchterarder settlement boundary as defined in the Perth and Kinross Local Development Plan 2014. Policy RD1 is relevant. This supports development where residential amenity will be protected and where possible improved. Policy PM1 requires development proposals to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

I have concerns that development of this site would be out of character with the area and therefore contrary to policies PM1 and RD1.

## **Design and Layout**

The proposal is in principle and is for the erection of a dwellinghouse. An indicative house design and location has been submitted.

The site is bounded by an existing hedge which borders the play park. There is a separate rectangular piece of land to the north of the main garden ground which is separated from the existing formal garden by a substantial wall. This wall would be partly removed to accommodate the proposed development.

The indicative house location shows the proposed house as being located with a front elevation facing north towards the play park. The existing house faces west onto Hunter Street and would look towards the side of the proposed house.

The site would be described as a backland site being located in the rear garden of 9 Hunter Street. Whilst the garden is long I do have concerns that there is insufficient space to accommodate such development without adversely impacting on the character and amenity of the area. There are no other similar developments in this part of Hunter Street.

## **Landscape**

The site is currently garden ground with two mature copper beech trees at the eastern end of the site. Two ornamental maples are positioned along the new site boundary, approximately midway between the existing house and eastern boundary. These maples are both indicated as being removed as part of the proposed site development. I requested that a tree survey be submitted in order to more fully assess the impact on the existing trees. The tree survey that was subsequently submitted indicates the root protection areas of the trees and their condition. The two copper beech are identified as being in good condition and would be retained as part of any housing proposal. The indicative house position is shown as partly encroaching on the RPA of one of the copper beech trees.

I have concerns that it would be extremely difficult to construct the house without encroaching on the root protection area of the trees and that any tree



protection measures along the gable end of the proposed building as indicated in the tree report would be difficult to put in place. Although the trees are not protected it would be desirable to retain the two copper beeches and I have concerns that development of this site could affect their future health.

### **Residential Amenity**

Residential amenity considerations include whether the site would have adequate private amenity space and whether there would be overlooking or over shadowing of neighbouring properties.

On this site I would have concerns that the residential amenity of future occupiers may be compromised by the lack of useable garden ground. The plans show a distance of around 3.5 metres from the rear (south) elevation of the indicative house to the neighbour's wall. There is some ground to the east side of the proposed house which would be affected by the presence of the large copper beech trees. It would be beneficial to retain the trees from a visual and landscape amenity point of view however this part of the site could be quite shady and the presence of this could impact on the amount of usable garden ground available.

There has been one objection from a neighbour concerned with the positioning of the new house and the proximity to the neighbouring boundary. Whilst an indicative house location has been shown full details of design and siting would be considered should a detailed application be submitted.

### **Visual Amenity**

The development is in principle and impact on visual amenity would largely be dependent on the final house design. However, I consider that the development of a house on this site is likely to have an adverse visual impact on an area that is generally characterised by long rear gardens. In addition the views from Hunter Street are open across the playpark towards the site. The trees along the edge of the site form an attractive backdrop to the park. Any substantial building in this backland site could have an adverse visual impact on the setting of the playpark and the character of this part of Hunter Street.

Policy PM1 requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. I do not consider that development of this site would contribute positively to the built and natural environment.

### **Roads and Access**

The site would be accessed from Hunter Street by the side of the existing property. The Council's Transport Planner does not object subject to the

provision of access, car parking, turning and the disposal of surface water being in accordance with the Roads Authority standards.

### **Drainage and Flooding**

No issues with regard to drainage or flooding have been identified.

### **Developer Contributions**

#### **Primary Education**

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

This proposal is within the catchment of Community School of Auchterarder Primary School.

As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

#### **Auchterarder A9 Junction**

The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.

The application falls within the identified A9 Junction Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal subject to conditions.

#### **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period.

#### **LEGAL AGREEMENTS**

None required.

#### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

#### **RECOMMENDATION**

**Refuse the application**

#### **Reasons for Recommendation**

The proposal is contrary to Policies PM1A and Policy RD1 a) and c) of the Proposed Local Development Plan 2014 which both seek (amongst other things) to protect or improve the character and amenity of existing areas from inappropriate developments. The proposal, by virtue of its siting in a backland location, does not respect its environs and would not contribute positively to the quality of the surrounding built and natural environment.

#### **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**

15/00900/1

15/00900/2

15/00900/3

**Date of Report 24.09.2015**

SCANNED

**BS 5837 Tree Survey  
Mailingsland, 9 Hunter Street  
Auchterarder**

**Prepared for  
Mr J Stainton  
& Studio K Architects**



**9<sup>th</sup> July 2015**

**Prepared by  
THE TREE INSPECTOR (SCOTLAND)  
C. A. Calvey, P.T.I., Tech.Cert (Arbor.A), Cert.Arb (RFS), BA Hons.**

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## **Introduction**

This pre-development tree report has been prepared in support of an application for outline planning permission under the Town and Country Planning (Scotland) Act 1997. The development is proposed within the site boundary known as Mailingsland, 9 Hunter Street, Auchterarder (hereafter referred to as the "site").

The site is bounded by Hunter Street to the west, a public playground to the north and residential housing. (Please refer to the Location Plan, page 2).

The design proposal incorporates the construction of a single dwelling house 12m x 6.6m in largely open ground within the existing rear garden area.

## **Instructions**

The Tree Inspector (Scotland) has been instructed by Studio K Architects with regards to an outline planning application being made; to report on the following:

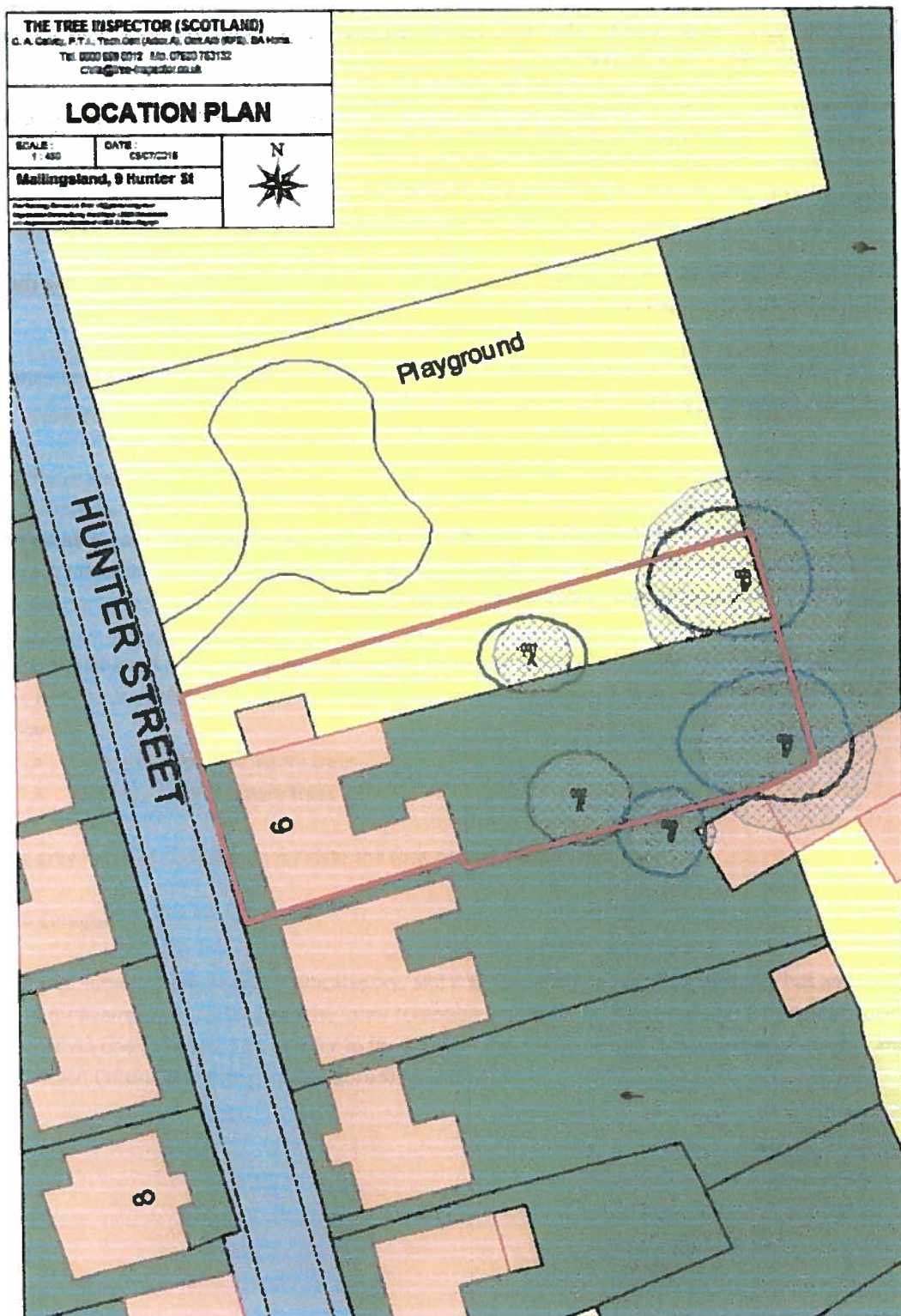
1. To survey and categorise trees within the site in accordance with BS 5837:2012 *Trees in Relation to Design, Demolition and Construction-Recommendations*.

## **Tree Survey**

The Tree Survey was conducted on 8<sup>th</sup> July 2015 in clear weather conditions and access was unimpeded. Five trees were individually assessed and categorised. One of those trees (a silver birch) is in adjacent property and some of the measurements for this tree were necessarily estimated.

The remaining vegetation comprised of garden shrubs and small trees together with a boundary hedge on the northern boundary.

# Location Plan – Map 1





## Arboricultural Overview

Of the 5 trees individually assessed 2 trees were assessed to be category 'A' and 3 trees are of category 'B'. Details of each tree are provided on the tree schedule (page 9) and tree photographs section of the report (page 10 -13).

The 2 category 'A' trees require to be removed to accommodate the design proposal and were assessed as BS5837 sub category 1: mainly arboricultural qualities. These two trees have limited amenity value from the public domain being less than 7m in height and positioned in the rear garden of the property.

### Definitions

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

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

There were no **Category C:** (low quality with an estimated remaining life expectancy of at least 10 years) or **Category U:** (in such condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years).

For further information on BS5837 tree categorisation please refer to the Cascade chart for tree quality assessment on page 4.

The tree location plan shows the crown spread of each tree drawn as a circle in the appropriate BS5837 colour:

- Light green for A category trees
- Mid blue for B category trees

The grey hatched dodecagons indicate the root spread area of each tree.

### Sub Categories

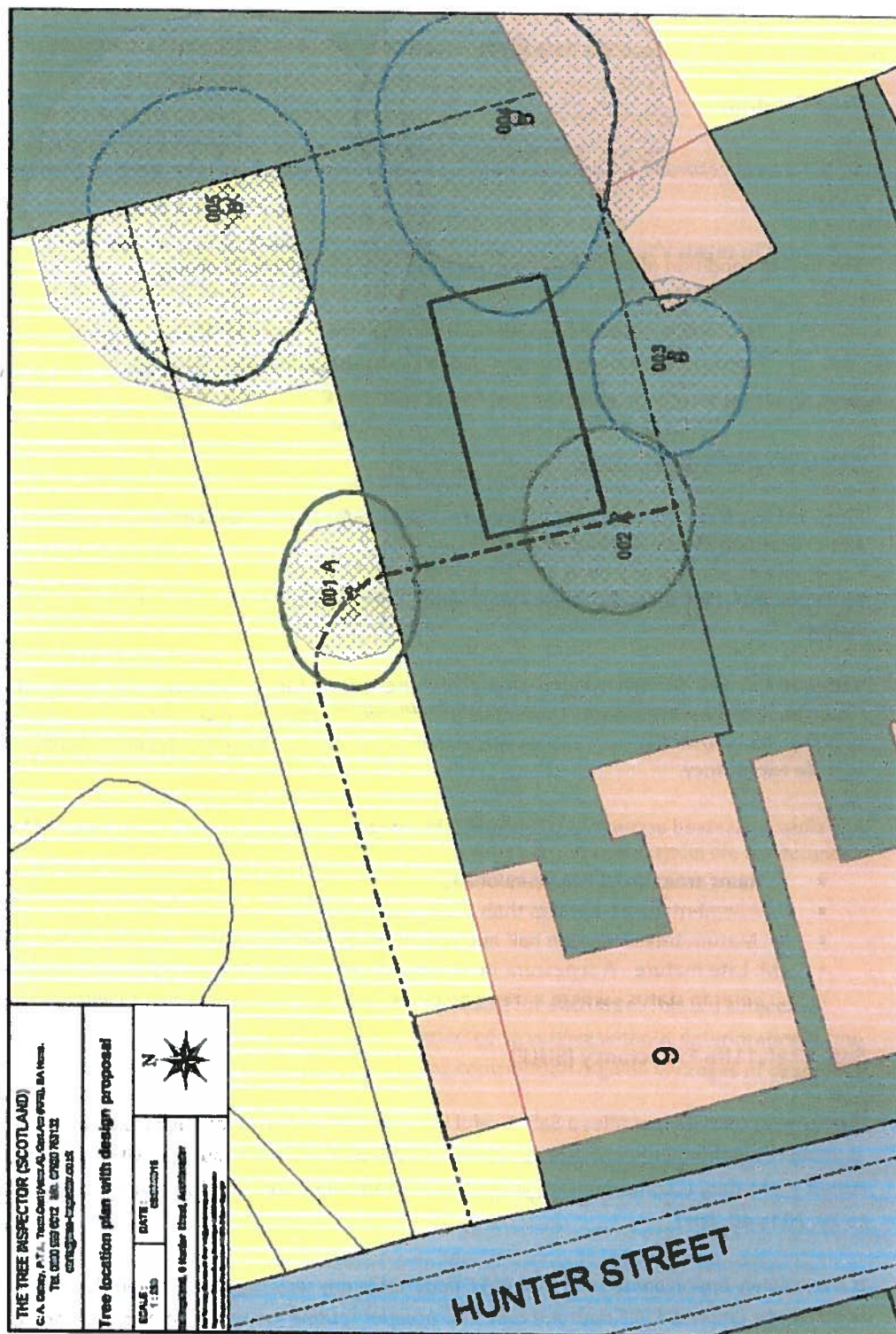
The tree survey schedule lists a subcategory, and it is intended that each subcategory has equal weight such that, for example, an A1 tree has the same retention priority as an A2 tree. Some trees could qualify under more than one criterion. Please refer to the Cascade chart for tree quality assessment Category and definition Criteria (including subcategories) on page 4.

Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan
<b>Trees unsuitable for retention (see Note)</b>		
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unstable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><b>NOTE</b> Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</p>	See Table 2
<b>1 Mainly arboricultural qualities</b>		
<b>2 Mainly landscape qualities</b>		
<b>3 Mainly cultural values, including conservation</b>		
<b>Trees to be considered for retention</b>		
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees with material conservation or other cultural value
<b>Trees with no material conservation or other cultural value</b>		
<b>Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits</b>		



Tree Location Plan: Map 2



## Tree Condition

*Of the 5 trees recorded – 4 are classified as being in Good condition with the tree number 5 being in Fair condition.*

The overall condition of a tree has been referred to as one of the following:

- Good: A sound tree needing little if any attention.
- Fair: A tree with minor but rectifiable defects or in the early stages of stress, from

## Age Class & Life Expectancy

*The 5 subject trees are classified as Mature. Please refer to the tree schedule on page 9 for the Safe Useful Life Expectancy (SULE) attributed to each specimen.*

Age Class and Life Expectancy are clearly related but the distinction is given due to the variation among tree species.

Variation can exist to such a degree that a Birch tree of 'Mature' class may be 60 years old with a life expectancy of 30 years. 60 years would be considered 'Young' for an Oak which may have a life expectancy of 300 years. Knowledge of the longevity of individual species has been applied to determine the relative age and life expectancy.

Age class is assessed according to the age class categories referred to in British Standard 5837 (2012).

- Y: Young trees up to five years of age.
- S/M Semi-mature trees less than 1/3 life expectancy.
- M: Mature trees between half and two thirds of life expectancy.
- LM: Late mature - A senescent or moribund specimen with a limited safe useful life expectancy.
- V: Veteran status - where a tree possesses certain attributes relating to veteran trees.

## **Safe Useful Life Expectancy (SULE)**

The survey schedule identifies a Safe Useful Life Expectancy (SULE) for each tree. This is a subjective assessment of the number of years that the tree can be expected to survive without deteriorating to the extent that safety is compromised. The estimated remaining contribution is given in ranges of years (<10, 10 to 20, 20 to 40, 40+).

*It is extremely important to note that SULE does not in any way suggest that regular inspection and remedial work can be ignored. SULE does not take into account routine management that will be required to deal with minor structural or cultural problems, or damage that may arise from climatic or other physical intervention. The SULE value given for each tree reflects the following opinion based on current tree condition and environmental considerations:*



**<10.** The tree has very limited future prospects, due to terminal decline or major structural problems. Its removal should be planned for within the next 10 years, unless immediate removal is recommended.

**10-20.** The tree has obvious structural or physiological problems that cannot be rectified, and decline is likely to continue. Removal or major tree surgery work may be necessary within 20 years, or the species is approaching its normal life expectancy and decline due to senescence can be expected within this timeframe.

**20-40.** Relatively minor defects exist that are likely to increase safety risks or general tree health over a long period of time. At this stage it is impossible to fully predict the impact of such defects. Or the species is approaching its normal life expectancy and decline due to senescence can be expected within this timeframe.

**>40.** There are currently no health or structural problems evident and the tree can be expected to survive safely for 40 or more years.

### **Survey Methodology**

Trees have been assessed based on guidance set out within the British Standard 5837: (2012). This standard provides recommendations and guidance on the principles to be applied to achieve successful integration of development with trees. Where development is to occur, the standard provides guidance on the approach needed to decide which trees are suitable for retention, and on the means for protecting any trees to be retained during development and on the means of incorporating trees into the developed landscape.

In the assessment particular consideration has been given to the following when considering the appropriate British Standard Category and Sub-Category allocation:

- The health, vigour and condition of each tree;
- The presence of any structural defects in each tree and its remaining contribution in years (i.e. life expectancy);
- The size and form of each tree and its suitability within the context of a proposed development;
- The location of each tree relative to existing site features, e.g. its value as a screen or as a skyline feature.

The survey was undertaken from ground level, no excavations were carried out nor soil or root samples taken. Where a more detailed assessment/inspection of a particular feature is deemed necessary it has been recommended in the survey schedule. No aerial inspection nor invasive probing or drilling has been undertaken.

The canopy spread of each subject tree was measured on four compass points using laser survey equipment – where access was restricted the spread was estimated. The height of each tree was estimated using a clinometer and the diameter of the tree was measured using callipers.

### Interpreting the Tree Schedules

Trees have been divided into one of four categories (based on the cascade chart for tree quality assessment within the British Standard). These are classed as A, B, C & U (Section 4.5 of British Standard 5837). This gives an indication as to the tree's importance in relation to the site and the local landscape and, also the value and quality of the existing trees on site. This assists decisions concerning which trees should be removed or retained should development occur. For a tree to qualify under any given category it should fall within the scope of that category's definition (See Table 1, page 4). Categories A & B cover trees that should be a material consideration in the development process, each with three further sub-categories (i, ii, iii) which are intended to reflect arboricultural, landscape and cultural (nature conservation) values.

It is important to note BS: 5837 states that 'C' category trees will usually not be retained where they would impose a significant constraint on development. Therefore the most significant constraints are (A & B category trees) + (TPO or CA).

Category U trees are those which would be lost in the short term for reasons connected with their physiology or structural condition. They are for this reason not considered in the planning process. In assigning trees to the A, B or C categories the presence of any serious disease or tree - related hazards are taken into account. If the disease is considered fatal and/or irremediable, or likely to require sanitation for the protection of other trees it may be categorised as U, even if they are otherwise of considerable value.

It is also important to note the potential for conflict between the retention category and the impact on important receptors, for example, a 'U' quality tree - usually removed from the development site - may be an important habitat for protected wildlife.

Trees classified using BS: 5837 does not necessarily indicate that a tree categorised as 'A' is a large mature tree with a high amenity value and may often refer to a semi-mature tree which by virtue of its relative age has a longer life expectancy and possibly a lower amenity value within the landscape context.

### Tree Schedule (Page 9)

1. The Tree Schedule lists the trees individually inspected during the tree survey and contains summarised data.
2. Please note the colour separation used in the tree schedule is to aid readability only. 'A' category trees are recorded on the schedule as green and 'B' category trees are represented in blue in accordance with BS5837.



## Tree Schedule

Tree ID	Common Name	Age	Height (m)	Height 1st clg (m)	No. of stems	Stem 1 Diam (mm)	Stem 2 (mm)	Stem 3 (mm)	Crown Spread (m)	C: Sp. East (m)	C: Sp. South (m)	C: Sp. West (m)	Crown Ht. North	C: Ht. East	C: Ht. South	C: Ht. West	Crown Condition	Stem Cond.	Basal Cond.	Condition	BS5837 Sub	BS5837 Quality	Category
Latid Name	Class		(m)			15m (mm)	(mm)		North (m)	East (m)	South (m)	West (m)	Height (m)								SUE		Category
1	Purple Japanese Maple <i>Acer atropurpureum</i> Single stemmed specimen tree with decurrent crown.	Mature	6.4	3m w	1	290			3.3	5	3.5	5	0.5	0.2	0.2	0.5	Good	Good	Good	Good	1	A	
2	Japanese Maple <i>Acer japonicum</i> Trifurcated from ground level with decurrent crown.	Mature	6.5	0.5m north	3	195	210	240	4.5	4.5	4	5	0.5	0.1	1	0.5	Good	Fair	Good	Good	1	A	
3	Silver Birch <i>Betula pendula</i> Tree in neighbour garden with rooting cone spreading into area of design proposal.	Mature	17	2m west	1	320			4	3	4	5	3	3	3	3	Good	Good	Good	Good	10 to 20	B	
4	Copper Beech <i>Fagus sylvatica 'Purpurea'</i> Circa 1930 with decurrent crown arising from 2 primary scaffolds on good tension union and straight bole. The canopy is interfering with the slate roof of the adjacent building and pruning of specific branches is recommended to provide clearance. The tree would benefit also from the crown thinning	Mature	16	4m west	1	620			7	6	5	10	4	2	4	2	Good	Good	Fair	Good	20 to 40	B	
5	Copper Beech <i>Fagus sylvatica 'Purpurea'</i> The primary scaffolds at 5m are co-dominant with a compression fork and included bark, and crown thinning by 30% would help to reduce wind loading on the defect. The crown is in reasonable condition but the stem has scarring from beech bark disease <i>Metzgia poaeana</i> .	Mature	15	3m south	1	820			7	6	5	9	3	2	1	3	Good	Fair	Fair	Fair	20 to 40	B	



**Tree Photographs**

Page 10



**Tree 1 & 2: Japanese maples.  
Removal is required to  
facilitate design proposal.**



**Tree 1: Purple Japanese Maple  
(BS5837 A category)**

**Single stemmed specimen tree  
with decurrent crown.**



**Tree 2: Japanese Maple  
(BS5837 A category).**

**Trifurcated from ground level  
with decurrent crown.**





**Tree 3: Silver Birch  
(BS5837 category B)**

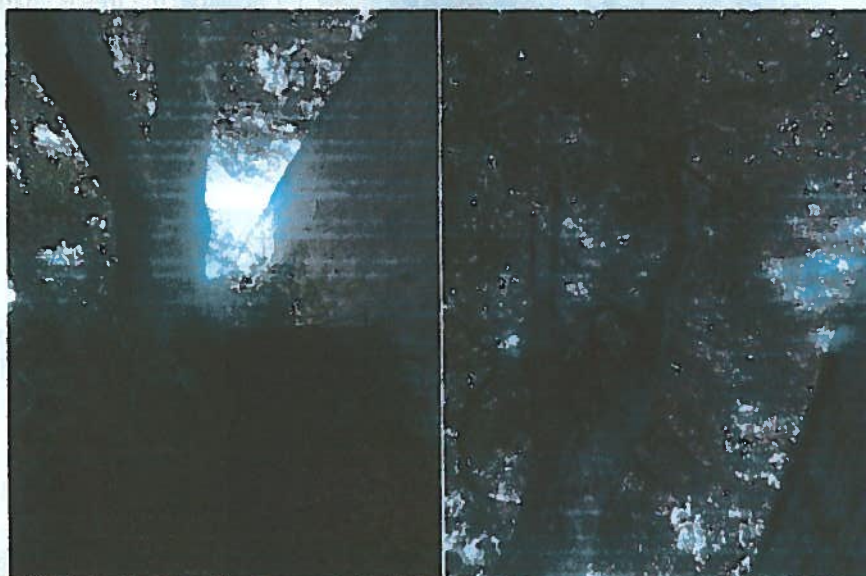
Tree in neighbour garden surveyed due to the potential of the rooting zone spreading into the area adjacent to design proposal. Following the mapping process it is calculated the tree is unaffected.



**Tree 5**

**Tree 4**

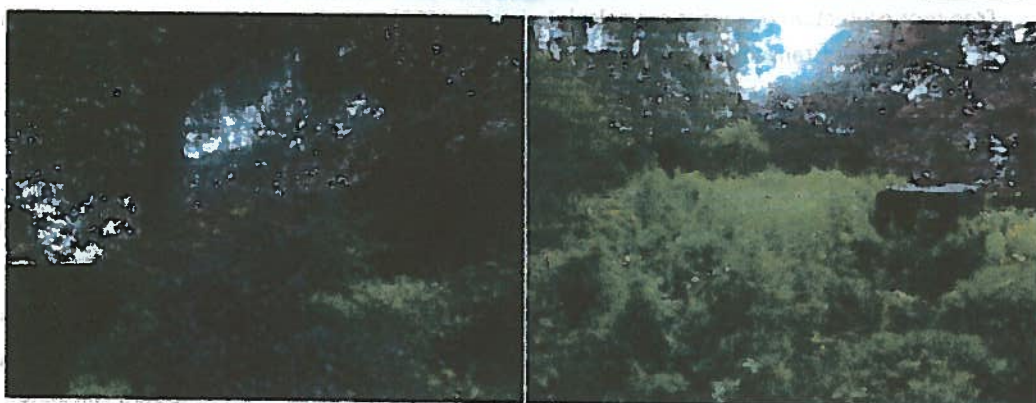
**Tree 4:** Circa 1930 with decurrent crown arising from 2 primary scaffolds on good tension union and straight bole. The canopy is interfering with the slate roof of the adjacent building and pruning of specific branches is recommended to provide clearance. The tree would benefit from the crown thinning. Three small diameter low hanging branches may need to be removed to accommodate the design proposal.



**Tree 5:** The primary scaffolds at 5m are co-dominant with a compression fork and included bark, and crown thinning by 30% would help to reduce wind loading on the defect. This tree is to be retained and unaffected by the proposal.







#### Site Photographs

There are a number of garden shrubs and the natural regeneration of trees is occurring in the open ground. The design proposal has selected the area of open ground for development.

## Arboricultural Method Statement

The method statement provides guidance on tree protection should development proceed.

### Tree Constraints and Root Protection Area (RPA): Information

Tree root protection distances are calculated using BS5837:2012 recommendations. Where the precautionary distance is impeded mitigation measures are advocated. In circumstances where a tree is required to be removed for the design proposal to progress and no alternative is available trees have been detailed within the Tree schedule.

The storage of materials for construction should be stored on an area of hard standing and that no storage of materials, fuel or other material is stored within the rooting zones of any trees to be retained.

Below ground constraints to development are represented by the area surrounding the tree that contains sufficient rooting volume to ensure survival of each tree to be retained. This is referred to as the RPA and is shown as a 12 sided hatched circle (dodecagon) of a given radius, calculated using the formula below. The circle may be modified in shape to maintain a similar total area depending on the presence of surrounding obstacles. A RPA is equivalent to a circle with a radius 12x the stem diameter for single stem trees and 10x the basal diameter for trees with more than one stem arising less than 1.5 metres above ground level.

**Table 1:** Formula taken from 'Table 2: Calculating the RPA', British Standard 5837 (2012)

$RPA (m^2) = (\text{stem diameter (mm)} \times 12 / 1000)^2 \times 3.142$  This figure should be capped to 707m<sup>2</sup>, equivalent to a circle with a radius of 15m, or a square with approximately 26m sides.

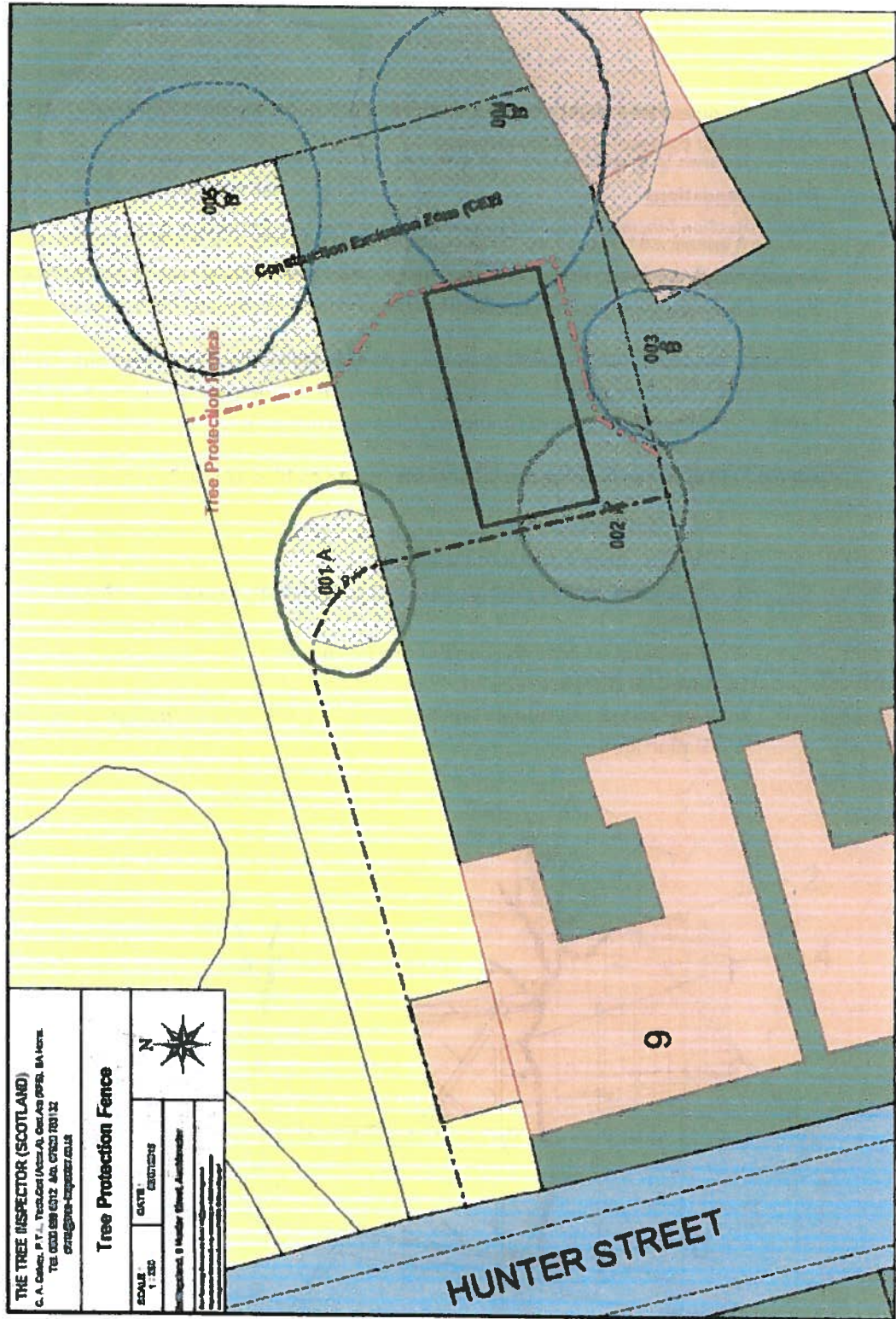
### Tree Protection Fencing

Retained trees require to be adequately protected during works. Measures to protect these should follow the best practice principles set out in British Standard 5837: (2012). These have been broadly summarised below:

All trees retained on site will be protected by barriers or ground protection where indicated in accordance with British Standard 5837: (section 4.6).

Fencing will be erected prior to commencement of construction and before the erection of any temporary structures. Once set up, fences should not be removed or altered without prior consultation with the arboricultural advisor.





Pre-development tree works may be undertaken prior to the installation of fencing with the agreement of the local planning authority.

### **Recommendations**

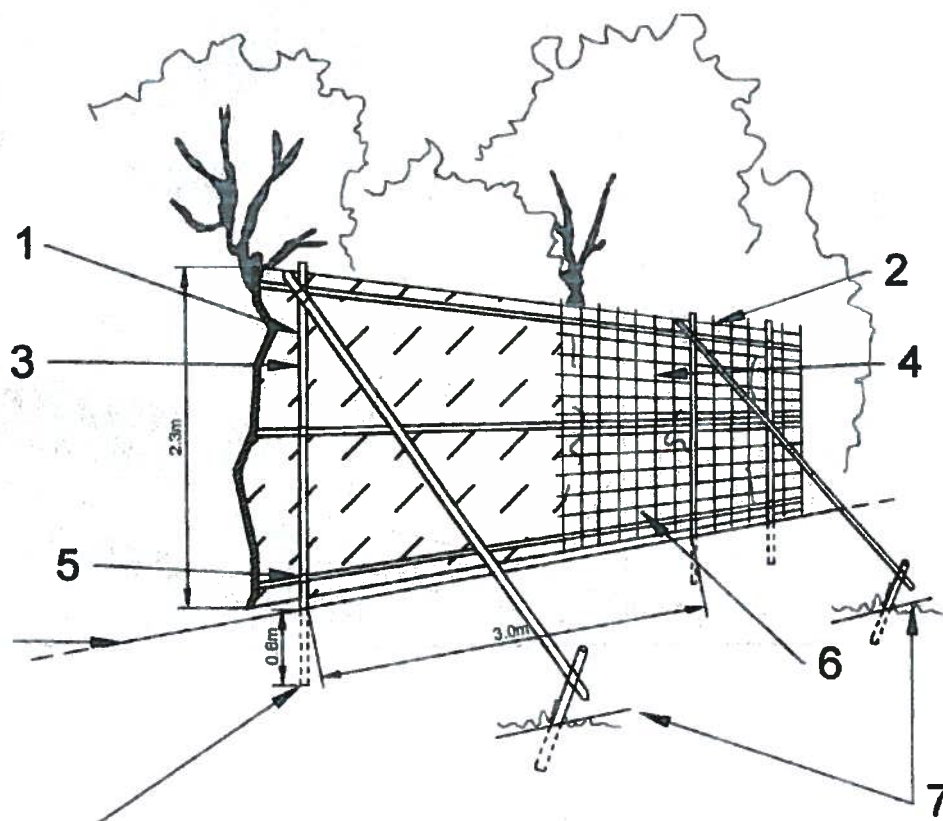
*Tree Protection fencing is required as positioned on the Tree Protection Plan.*

*Fencing should be strong and suitable for the location, type and proximity of construction activity. Barriers must remain rigid and complete.*

*Fencing should comprise a scaffold framework comprising a vertical and horizontal framework. For particular areas where construction activity is anticipated to be intense higher fencing may be necessary. Typical fencing specifications are illustrated in Figure 1.*

**Figure 1: Protective Fencing Specifications** Based on BS5837 (2012) - Recommendations

1. Standard scaffold poles.
2. Uprights to be driven into the ground.
3. Panels secured to uprights with wire ties and where necessary with standard scaffold clamps.
4. Weldmesh wired to the uprights and horizontals.
5. Standard clamps
6. Wire twisted and secured on the inside face of fencing to avoid easy dismantling.
7. Ground level.





### **Ground Protection Information**

Construction access may take place within the RPA if suitable ground protection measures are in place. This may comprise single scaffold boards over a compressible layer laid onto geo-textile materials for frequent pedestrian movements. Vehicular movements over the RPA will require the calculation of expected loading and may require the use of proprietary protection systems.

#### **Recommendation**

*The Tree Protection Plan shows Construction Exclusion Zones which eliminates the need for ground protection measures assuming no alteration to design plans occurs.*

### **Changes in levels: Information**

Where it is shown that the construction of a wall or buildings encroaches within the RPA of a retained tree, the foundations of the wall or building will be designed in such a manner so as to minimise the detrimental effect of the construction on the tree's roots. In these situations any excavations within the RPA of an affected tree will only be undertaken following exploration of the existing root system by a hand dig approach and the necessary root pruning undertaken to allow excavation without unnecessary pulling and tearing of the roots to be retained. This will ensure minimal damage to tree roots where pad and beam or cantilever foundations are considered appropriate. Should a piling rig be required to create piles, any access facilitation pruning or felling necessary to allow access must be undertaken before the commencement of works and only with prior consent of the Local Planning Authority.

#### **Recommendation**

*Changes in ground level may be required to provide a level base for buildings; however these changes are out with the rooting zone of trees to be retained.*

### **Installation and layout of services Information**

In the situation that excavations within the RPA of a tree is required this should only be undertaken following exploration of the existing root system with an air spade and the necessary root pruning undertaken to allow excavation.

#### **Recommendation**

*There is no requirement to excavate for the installation of new services within the rooting zones of trees to be retained and no action is required.*

### **Overhead Services: Information**

All routes for overhead services should they be required will aim to avoid the trees. Where this is unavoidable, any tree work will be agreed prior to commencement with the Arboricultural Officer. All service providers (Statutory Authorities) will be consulted prior to commencement of works with the aim of minimising the number of service runs on the site.

#### **Recommendation**

*Overhead services are not expected to interfere with tree canopies.*

### **Protection outside the exclusion zone: Information**

Once the areas around trees have been protected by the fencing, any works on the remaining site area may be commenced providing activities do not impinge on protected areas. Notices should be placed on fencing to indicate that operations are not permitted within the fenced area.

Wide or tall loads etc. should not come into contact with retained trees. Banksman should supervise transit of vehicles, jibs, booms etc. where this is in close proximity to retained trees.

Oil, bitumen, cement or other material that is potentially injurious to trees should not be stacked or discharged within 10m of a tree bole. No concrete mixing should be done within 10m of a tree.

Allowance should be made for the slope of ground to prevent materials running towards trees.

No fires should be lit where flames are anticipated to extend to within 5m of tree foliage, branches or trunk, taking into consideration wind direction and size of fire.

Notice boards, telephone cables or other services should not be attached to any part of a retained tree.

### **Recommendation**

*Adherence to the information listed above.*

### **Protection of Trees Close to the Site: Information**

All trees located outside the boundaries of the assessment site yet within close proximity to works should be adequately protected during the course of the development by barriers or ground protection around the calculated RPA. Any trees which are to be retained and whose RPAs may be affected by the development should be monitored to identify any alterations in quality with time and to assess and undertake any remedial works required as a result.

### **Protection for Aerial Parts of Retained Trees: Information**

Where it is deemed necessary to operate a wide or tall load, plant bearing booms, jibs and counterweights or other such equipment, as part of construction works, and such equipment would have potential to cause injurious contact with crown material i.e. low branches and limbs, of retained trees within the RPA fencing, it is best advised that appropriate, but limited tree surgery, be carried out beforehand to remove any obvious problem branches. This is classed as 'Access Facilitation Pruning', British Standard 5837: (2012) paragraphs 8.8.1.2. Any such pruning should be undertaken in accordance with a specification prepared by an arboriculturist.

In the event of having caused any such branch or limb damage to retained trees it is strongly recommended that suitable tree surgery be carried out, in accordance with British Standard 3998: 'Tree Work - Recommendations' (2010), to correct the damage, upon completion of development.

### **Recommendations**

*It is strongly advised that a pre-commencement site meeting is held with contractors who are responsible for operating machinery, as described above, to firstly highlight the potential for damage occurring to tree crowns and to ensure that extra care is applied when manoeuvring machinery during such operations within close proximity to retained trees to avoid any contact.*



**Demolition of existing buildings and surfaces: Information**

*Demolition of manmade surfaces is not required within the vicinity of trees, but that any storage of such material should it arise are stored in an area allocated area.*

**Construction site materials storage Information**

Materials should be stored in a designated area. The space for storing (whether temporary or long-term) materials, spoil and fuel and the mixing of cement and concrete; should be accommodated within this designated area.

The effects of slope on the movement of potentially harmful liquid spillages towards or into protected areas have been considered.

*The site is flat and level and spillages are a low risk in terms of transfer by gradient. Arrangements should be made in the storage area to ensure no spillages are capable of running into or blown onto tree rooting areas.*

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bund compound shall be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Recommendation**

*The suggested Storage area has yet to be identified and remains at the discretion of the project manager taking into consideration the criteria for site selection given above.*

**Wildlife: Information**

None of the trees on site were suitable for bat roosts.

**Tree Surgery: Information**

All tree work will be agreed with the Local Planning Authority and will be carried out in line with BS 3998:2010 (Recommendations for Tree Works). Any alterations to the proposed schedule of works should be agreed with the Arboricultural Officer of the Planning Authority prior to commencement of works.

#### **Tree Contractors - Management Recommendations & Control measures:**

1. All tree surgery operations are governed by the British Standard 3998, "Recommendations for Tree Works". Contractors employed must be required to comply with this standard, and any future pruning works should be conducted by a fully qualified and fully insured, reputable arboricultural contractor. Such a contractor should provide evidence of insurance and qualifications for all classes of tree surgery operations.
2. A method statement and risk assessment should be requested for inspection prior to the commencement of works.
3. Re-inspections should be conducted annually and it is advised that the timing of tree inspection timing should be varied for the most comprehensive results.
4. The general tree protection measures shall apply to the tree surgery teams.
5. No re-fuelling of machinery to take place within the CEZ and not within 10m of the CEZ.

#### **Monitoring**

In accordance with item 6.3 of BS 5837:2012, the site and associated development should be monitored regularly by a competent Arboriculturist to ensure that the arboricultural aspects of the planning permission are complied with.

#### **Post Development Implications**

The design of the development, together with the orientation of the site is such that matters involving retained trees (e.g. privacy, screening, direct damage, future pressure for removal) are not considered to be significant issues. The development is designed to minimise the potential impact of shading from trees, with all the principle areas and associated fenestration being biased away from retained trees, therefore maximizing the benefits of the potential sunlight.

In order to provide a systematic, consistent and transparent evaluation of the trees included within this survey, they have been assessed and categorised in accordance with the method detailed in item 4.3 of BS 5837:2012 *"Trees in Relation to Design, Demolition and Construction - Recommendations"*.

Due to the dynamic nature of trees and their interaction with the environment, their health and structural integrity is liable to change over time. Because of this it is recommended that all trees on or adjacent to the site be inspected on an annual basis.

## **Report limitations**

Tree inspection reports are subject to limitations and qualifications.

1. The report forms part of the Feasibility and Planning Application and is therefore a pre-development report.
2. The Report takes reference from BS 5837:2012 Trees in relation to design, demolition and construction –Recommendations.
3. The survey is only concerned with the arboriculture aspects of the site.
4. The report is based on visual inspections conducted from ground level with the purpose of categorising trees in relation to design, demolition and construction and do not provide detailed individual data on Tree Safety.
5. This report is not, nor should it be taken to be, a full or thorough assessment of the health and safety of trees on or adjacent to the site, and therefore it is recommended that detailed tree inspections are undertaken on a regular basis with the express purpose of complying with the land owner's duty of care and satisfying health and safety requirements.
6. The statements made in this report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire.
7. The authority of this report ceases within one year from the date of the survey or when any site conditions change, soil levels are altered close to trees, tree work undertaken, or following severe weather occurrences which supersede the current validity of the report.
8. No soil, foliage or root samples were taken for analysis. Should any further investigations be required this will be highlighted in the report recommendations.
9. No decay measurements were taken, should any further investigation be required this will be highlighted in the report recommendations.
10. Remedial tree works in the recommendations will require being in accord with British Standard 3998: 2010 Tree works.
11. Unless specifically mentioned, the report will only be concerned with above ground inspections. No below ground inspections will be carried out without the prior confirmation from the client that such works should be undertaken.
12. The validity, accuracy and findings of this report will be directly related to the accuracy of the information made available prior to and during the inspection process. No checking of independent third party data will be undertaken.
13. If following consultation with the Planning Authority further assessment is requested this will be charged at the normal consultancy rates



## **Appendix 1: BS5837 Tree Categorisation**

**Category (A) - (Light Green):** trees whose retention is most desirable and are of high quality and value. These trees are considered to be in such a condition as to be able to make a lasting contribution (a minimum of 40 years) and may comprise:

- (i) Trees which are particularly good examples of their species especially rare or unusual, or essential components of groups or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue);
- (ii) Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance (e.g. avenues or other arboricultural features assessed as groups);
- (iii) Trees or groups or woodlands of significant conservation, historical, or commemorative value

**Category (B) - (Mid Blue):** are trees whose retention is considered desirable and are of moderate quality and value. These trees are considered to be in such a condition as to make a significant contribution (a minimum of 20 years) and may comprise:

- (I) Trees that might be included in the high category but because of their numbers or slightly impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage), are downgraded in favour of the best individuals;
- (II) Trees present in numbers such that they form distinct landscape features and attract a higher collective rating than they would as individuals. Individually these trees are not essential components of formal or semi-formal arboricultural features, or trees situated mainly internally to the site and have little visual impact beyond the site;
- (III) Trees with clearly identifiable conservation or other cultural benefits.

**Category (C) - (Grey):** are trees that could be retained and are considered to be of low quality and value. These trees are in an adequate condition to remain until new planting could be established (a minimum of ten years) or are young trees with a stem diameter below 150mm and may comprise:

- (I) Trees not qualifying in higher categories;
- (II) Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value and or trees offering low or only temporary screening benefit;
- (III) Trees with very limited conservation or other cultural benefits.

**Category (U) - (Dark Red):** Trees for removal are those trees in such a condition that any existing value would be lost within 10 years and which should in the current context be removed for reasons of sound arboricultural management. Trees within this category are:

- (I) Trees that have a serious irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees;
- (II) Trees that are dead or showing signs of significant, immediate or irreversible overall decline;
- (III) Trees infected with pathogens of significance to the health and or/safety of other trees nearby trees or very low quality trees suppressing adjacent trees of better quality.

## Appendix 2: BS 5837:2012 Terms and Definitions

**Arboricultural Method Statement:** Methodology for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained.

**Arboriculturist:** Person who has, through relevant education, training and experience, gained expertise in the field of trees in relation to construction.

**Access Facilitation Pruning:** One-off tree pruning operation, the nature and effects of which are without significant adverse impact on tree physiology or amenity value, which is directly necessary to provide access for operations on site.

**Competent Person:** Person who has training and experience relevant to the matter being addressed and an understanding of the requirements of the particular task being approached. NOTE - a competent person is expected to be able to advise on the best means by which the recommendations of this British Standard may be implemented.

**Construction Exclusion Zone:** Area based on the root protection area from which access is prohibited for the duration of a project.

**Root Protection Area (RPA)** Layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. **RPA:** This is the Root Protection Area, measured in square metres and defined in BS5837:2012 as "a layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority". The RPA is shown on the drawing. Ideally this is an area around the tree that must be kept clear of construction, level changes of construction operations. Some methods of construction can be carried out within the RPA of a retained tree but only if approved by the Local Planning Authority's tree officer.

**Service** Any above or below ground structure or apparatus required for utility provision. NOTE. - Examples include drainage, gas supplies, ground source heat pumps, CCTV and satellite communications.

**Stem:** Principal above ground structural component(s) of a tree that supports its branches.

**Structure:** Manufactured object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork.

**Minimum distance:** This is a distance equal to 12 times the diameter of the tree measured at 1.5 metres above ground level for single stemmed trees and 12 times the average diameter of the tree measured at 1.5 metres above ground level tree for multi stemmed specimens. (BS 5837:2012, section 4.6).

### **Appendix 3: References**

British Standards Institute. (2010). *Recommendations for Tree Work BS 3998:2010 BSI, London.*

British Standards Institute. (2012). *Trees in Relation to Design, Demolition and Construction – Recommendations BS5837:2012BSI, London.*

Tree Preservation Orders, A Guide to the Law and Good Practice (2005). Department for Communities and Local Government

Lonsdale D. (1999). Research for Amenity Trees No 7: Principles of Tree Hazard Assessment and Management, HMSO, London.

Mattheck & Breloer H. (1994). Research for Amenity Trees No.4: The Body Language of Trees, HMSO, London.

NHBC Standards (2007) Chapter 4.2 'Building Near Trees'. National House-Building Council.

NJUG 4 Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees. issued 16 November 2007.

STROUTS R.G. & WINTER T.G. (1984), Diagnosis of ill health in trees, HMSO Publications, London

SHIGO A.L. (1991), Modern Arboriculture, Shigo and Trees Associates

Hazards from Trees – A General Guide ISBN 0-85538-514-6

Tree Felling – Getting Permission. Forestry Commission and free to download from their website [www.forestry.gov.uk](http://www.forestry.gov.uk)

Trees and the Law ISBN 0-900978-15-5 Published by the Arboricultural Association Tel: 01794 68717

Institute of Chartered Foresters Tel: 0121 225 2705



#### **Appendix 4: Project Contact Details**

##### **Project Arboriculturalist**

Christopher Calvey,  
The Tree Inspector (Scotland)  
North Hourat Farm,  
Kilbirnie, Ayrshire  
KA25 7LJ

Tel. 0800 999 6012  
Mobile: Mo. 07920 763132  
E-mail: [chris@tree-inspector.co.uk](mailto:chris@tree-inspector.co.uk)  
[www.treesurveyscotland.co.uk](http://www.treesurveyscotland.co.uk)

##### **Architects**

Kaz Kwiatkowsai  
StudioK  
Hunter Street  
Auchterarder  
PH3 1PA

##### **Applicant**

Mr J Stainton  
Mailingsland,  
9 Hunter Street  
Auchterarder  
PH3 1PA



**TCP/11/16(384)**  
**Planning Application – 15/00900/IPL – Erection of dwellinghouse (in principle), Mailingsland, 9 Hunter Street, Auchterarder, PH3 1PA**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 251-252)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 271-280)*

**REFERENCE DOCUMENT** *(included in applicant's submission, see pages 259-261)*



**TCP/11/16(384)**  
**Planning Application – 15/00900/IPL – Erection of**  
**dwellinghouse (in principle), Mailingsland, 9 Hunter Street,**  
**Auchterarder, PH3 1PA**

## **REPRESENTATIONS**





## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	15/00900/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: 01738 475381 Email: <a href="mailto:emclaughlin@pkc.gov.uk">emclaughlin@pkc.gov.uk</a>
<b>Description of Proposal</b>	Erection of dwellinghouse (in principle)		
<b>Address of site</b>	Mailingsland 9 Hunter Street Auchterarder PH3 1PA for Mr John Stainton		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Community School of Auchterarder Primary School.</p> <p><b>Auchterarder A9 Junction</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p> <p><b>Auchterarder A9 Junction</b></p> <p>The application falls within the identified A9 Junction Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	12 June 2015		



## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	15/00900/IPL	<b>Comments provided by</b>	Melanie Lorimer
<b>Service/Section</b>	Waste Services	<b>Contact Details</b>	01738 475268
<b>Description of Proposal</b>	Erection of dwellinghouse		
<b>Address of site</b>	Mailingsland 9 Hunter Street Auchterarder PH3 1PA		
<b>Comments on the proposal</b>	<p>3 Bin Individual System</p> <p>1 x 240 general 1 x 240 blue lidded bin 1 x 240 brown lidded bin</p> <p>Bins are to be presented to the kerbside or road end for 7.30am on scheduled morning of collection.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	18 June 2015		



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	15/00900/IPL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	x76512
<b>Description of Proposal</b>	Erection of dwellinghouse (in principle)		
<b>Address of site</b>	Mailingsland 9 Hunter Street Auchterarder PH3 1PA		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I do not object to the proposed development provided the condition indicated below is applied, in the interests of pedestrian and traffic safety.		
<b>Recommended planning condition(s)</b>	All matters regarding access, car parking, turning and the disposal of surface water shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	25 June 2015		





**Mr Graham Forbes**

**(Objects) Comment**

submitted date: Fri 26 Jun 2015

As a neighboring property I object to this planning application. if the new property was next to the park I wouldn't object. As the application stands it would be in direct view from my house and garden. at the moment the trees in the current garden reduce the view of the new houses being built in the Hunters Meadow development.



## Audrey Brown - CHX

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**From:** Andy Clegg  
**Sent:** 21 September 2015 08:59  
**To:** Persephone Beer  
**Subject:** RE: 15/00900/IPL Erection of dwellinghouse (in principle) Mailingsland 9 Hunter Street Auchterarder PH3 1PA

Hi Seph – yes we were aware that the land wasn't ours at the time we upgraded the play area in 2000/01. As such we modified the plans to reflect our ownership. Any further refurbishment will be within our ground. This application looks tight in terms of the tree retention and a minute back garden.

Best regards

Andy

**Andy Clegg**  
**Community Greenspace Team Leader**



Community Greenspace, The Environment Service, Perth & Kinross Council  
Pullar House, 35 Kinnoull Street, Perth, PH1 5GD T 01738 476476 F 01738 476410

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**From:** Persephone Beer  
**Sent:** 18 September 2015 14:32  
**To:** Andy Clegg  
**Subject:** RE: 15/00900/IPL Erection of dwellinghouse (in principle) Mailingsland 9 Hunter Street Auchterarder PH3 1PA

Thanks Andy, that would be helpful.

I'll maybe hassle you again on Monday if that's OK.

Seph

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**From:** Andy Clegg  
**Sent:** 18 September 2015 14:30  
**To:** Persephone Beer  
**Subject:** RE: 15/00900/IPL Erection of dwellinghouse (in principle) Mailingsland 9 Hunter Street Auchterarder PH3 1PA

Hi Seph – hope so – it is stretching my memory but I managed to pull some files out of the archive yesterday so I'll try and get a look at them soon.

A

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**From:** Persephone Beer  
**Sent:** 18 September 2015 14:16  
**To:** Andy Clegg  
**Subject:** FW: 15/00900/IPL Erection of dwellinghouse (in principle) Mailingsland 9 Hunter Street Auchterarder PH3 1PA

Just wondering if you have any thoughts on this. Dave Stubbs suggested I contact in case you had any knowledge or interest in this.

Seph

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**From:** Persephone Beer  
**Sent:** 09 September 2015 09:34  
**To:** Andy Clegg  
**Subject:** 15/00900/IPL Erection of dwellinghouse (in principle) Mailingsland 9 Hunter Street Auchterarder PH3 1PA

Dear Andy

15/00900/IPL Erection of dwellinghouse (in principle) Mailingsland 9 Hunter Street Auchterarder PH3 1PA

I have the above application which is next to the play park in Auchterarder. The applicant said that he had been sold land by the Council to build a garage. He also mentioned that this was queried at some point as it was proposed to expand the playpark. Do you know any of the history to this and would this proposal have any impact on any such plans? I suspect any expansion is unlikely as the land is no longer in Council ownership. There is also a substantial wall along the boundary.

Thanks for your help.

Seph

Persephone Beer  
Planning Officer  
Development Management

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

Tel 01738 475354  
Email [PRBeer@pkc.gov.uk](mailto:PRBeer@pkc.gov.uk)  
Web [www.pkc.gov.uk](http://www.pkc.gov.uk)





### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	15/00900/IPL	<b>Comments provided by</b>	ECS
<b>Service/Section</b>		<b>Contact Details</b>	Maureen Watt ext 76308
<b>Description of Proposal</b>			
<b>Address of site</b>			
<b>Comments on the proposal</b>	<p>This development falls within the Auchterarder Primary School catchment area.</p> <p>As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>			

