

Issue 34	Highland Area – Dunkeld and Birnam	
Development plan reference:	Dunkeld and Birnam – page 184-185 E12 & E13 – Tullymilly, Dunkeld, page 186	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Dunkeld and Birnam Community Council (0189) Joel Jameson (0402) Drs Mike & Jan Silburn (0449)		Woodlands Trust Scotland (0462) Galbraith Group (0555/01) P Keir Doe (0598/07)
Provision of the development plan to which the issue relates:	Development sites in Dunkeld and Birnam	
Planning authority's summary of the representation(s):		
<p><u>Settlement Boundary Alteration</u></p> <p>P Keir Doe (0598/07/001): Object to the Garden & Designed Landscape designation and the omission of the site H109 from the settlement boundary.</p> <p>Site H109 comprises a redundant and disused category B-listed walled garden which would previously have been part of Dunkeld House. Houses were built in the grounds of Dunkeld House 35 years ago (Atholl Park) and further housing within the walled garden would be a natural continuation of this development. A precedent is already established within Perth & Kinross for the development of houses within walled gardens. The walls are in need of restoration and repair; a housing development would cross fund the restoration, repair and safeguarding of the wall.</p> <p>The site has a robust landscape framework with established woodland to the north and west and a row of trees to the south and east. The site would be accessed off the A923 via an existing access road.</p> <p>The Proposed Plan acknowledges that there are few settlement expansion opportunities within Dunkeld. The site is self-contained and is a natural settlement extension; the use of land adjacent to settlements is in line with Scottish Planning Policy (SPP) (CD004, page 13, paragraph 40).</p> <p><u>E12 & E13: Tullymilly</u></p> <p>Woodlands Trust Scotland (0462/01/036): Concerned that development at site E12 may affect the area of ancient woodland bordering the west, north and eastern edges of the site.</p> <p>Joel Jameson (0402/01/001): Increasing numbers of pedestrians and cyclists use the Blairgowrie Road (A923). As part of any planning application a full transport assessment and baseline air pollution monitoring should be undertaken and measures put in place to improve air quality. The Council are to develop Air Quality planning guidance to be</p>		

adopted as part of the LDP.

The main entrance to the site on the Blairgowrie road (A923) is a very tight junction so HGVs turning prevents other vehicles from passing on the main road and that fumes concentrate in one location. There is another little used entrance further west on the unclassified road and the use of both entrances or introduction of a one way system should be considered if the number of HGVs using the site is likely to increase considerably. Restrictions to timings of HGV movements should also be considered.

Improvements to air quality and road safety for residents and pedestrians and cyclists on the Blairgowrie Road are needed should development at this site lead to increased HGV movements. This will help PKC meet its obligations under the Environment Act (1995).

Removal of Open Space Designation South of Jubilee Park

Dunkeld and Birnam Community Council (0189/01/001): Support the exclusion from the LDP the area which was considered at the Main Issues Report (MIR) stage around Jubilee Park (CD046, page 59, paragraph 4.3.30). This area is unsuitable for further development for a variety of planning policy reasons.

Galbraith Group (0555/01/004); Drs Mike & Jan Silburn (0449/01/001): Object to the designation of land at Torwood House as open space for some or all of the following reasons:

This area does not effectively contribute to the recreational and amenity land which is contained within the wider Dunkeld and Birnam area. It has little value due to topography, current access and tree belt around the site, and there are no established green or core path networks through the site.

This is privately owned garden / agricultural land and does not act as open space / recreational land to the general public. The removal of this site from the open space allocation will not impact on the overall provision of open space.

The open space designation prohibits the landowner from considering options for this area. The removal of the open space allocation will offer the opportunity of a potential affordable housing development site within the curtilage of Birnam where development opportunities are extremely rare and family homes desirable.

The conservation area designation protects the visual amenity and character of the garden and the setting of B-listed Torwood House. The site is not visible to or from the house and the impact of any development would therefore be negligible.

The area is discreet and is not easily accessed or appreciated due to the location in relationship to neighbouring gardens and the adjacent public open space. The visual impact of any development will be minimal due to the already present tree belt surrounding the proposed site, which will remain unaltered.

The site is not subject to flood risk.

Modifications sought by those submitting representations:

Settlement Boundary Alteration

P Keir Doe (0598/07/001): Land North West of Dunkeld should be included within the settlement boundary and either left undesignated or be allocated as a housing site (H109). The site should be excluded from the Garden & Designed Landscape designation.

E12 & E13: Tullymilly

Woodlands Trust Scotland (0462/01/036): Developers should be made aware that site E12 is surrounded by LEPO ancient woodland at all boundaries, except the southern boundary.

Joel Jameson (0402/01/001): Change requested to improve air quality and road safety for residents and pedestrians and cyclists on the Blairgowrie Road should development at this site lead to increased HGV movements.

Removal of Open Space Designation South of Jubilee Park

Galbraith Group (0555/01/004); Drs Mike & Jan Silburn (0449/01/001): The open space allocation at Torwood House should be removed.

Summary of responses (including reasons) by planning authority:

Settlement Boundary Alteration

P Keir Doe (0598/07/001): Garden & Designed Landscapes are designated by Historic Environment Scotland and as such are outwith the remit of the LDP.

No modification is proposed to the Plan.

P Keir Doe (0598/07/001): Site H109 (MD035) was put forward at pre-MIR stage for residential development. It is now proposed for inclusion within the settlement boundary and either left undesignated or be allocated for housing. Either way the potential impact is considered to be the same; if the site is included within the settlement boundary this would suggest that it has development potential even if it is not allocated for a particular use.

The site is within the B-listed Dunkeld House Walled Garden, the Dunkeld battlefield, and the Dunkeld House Garden and Designed Landscape. Whilst the Historic Environment policies of Proposed LDP2 do not prohibit development on such sites, the Strategic Environmental Assessment (SEA) concluded that there is the potential for adverse impact on the historic environment, and on the River Tay (Dunkeld) National Scenic Area, should this site be developed for housing (CD072, pages 90-100).

Policy 19 Housing in the Countryside and the associated Supplementary Guidance do allow for the construction of new houses within existing walled gardens (CD167, section 3.1(b)), but the scope for any development is likely to be constrained by the above-mentioned environmental and cultural heritage constraints on the site and in the wider area.

Extending the settlement to include this site would not result in a logical settlement boundary given that it sits apart from the rest of Dunkeld, any development here would therefore be unlikely to read as part of the settlement. Furthermore, the existing settlement

boundary round Dunkeld has already been drawn to allow scope for some infill residential development. Any future proposals for housing development on this site would be more appropriately assessed against the existing policy framework. While the proposal was submitted during pre-MIR call for sites stage the Council did not take it forward into either the MIR or the Proposed Plan. The site has therefore not had the benefit of full public consultation.

No modification is proposed to the Plan.

E12 & E13: Tullymilly

Woodlands Trust Scotland (0462/01/036): Policy map E identifies the High Nature Conservation Woodland in Perth & Kinross Council area (page 67). Policy 38B: Trees, Woodland and Development presumes against the removal of ancient semi-natural woodland. Any potential impact on the ancient woodland would be assessed at planning application stage. It is not therefore considered necessary to make specific reference under site E12 to the ancient woodland which surrounds it.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would be comfortable with adding to the end of the fourth site specific developer requirement '..., and ancient woodland' as this would not have any implications for any other aspect of the plan.

Joel Jameson (0402/01/001): There is already a site specific developer requirement for a Transport Assessment for the sites at Tullymilly. At present it is not known whether the development of sites E12 and E13 will result in increased HGV movements. This will depend on the occupier(s) of the sites, however, it is considered unlikely that there will be a significant air quality issue resulting from the development of these sites. The detailed concerns which are raised in the representation are more appropriately assessed at planning application stage.

No modification is proposed to the Plan.

Removal of Open Space Designation South of Jubilee Park

Galbraith Group (0555/01/004): Drs Mike & Jan Silburn (0449/01/001): A larger area around Torwood House was put forward as a potential housing site at MIR stage. The respondents now seek removal of the existing open space designation rather than a housing allocation. Either way the potential impact is considered to be the same; if the open space designation is removed this would suggest that site H104 (MD034) has development potential even if it is not allocated for a particular use.

The whole of Dunkeld and Birnam fall within the River Tay (Dunkeld) National Scenic Area. One of the Special Qualities identified in this area is the 'exceptionally rich, varied and beautiful woodlands' (The Special Qualities of the National Scenic Areas, CD163 page 129). The woodland on the site is part of a larger area of ancient woodland which extends from Torwood House eastwards. There is a further area of ancient woodland along the bank of the River Tay and the two are linked by Jubilee Park which is a public park and gardens. The SEA of the site therefore concluded that housing development would impact on the ancient woodland and the corresponding habitat / biodiversity and landscape value of the site. There is also potential for adverse impact on the cultural heritage value of the site (CD072, pages 36-46).

The site is designated as open space in the adopted LDP and forms part of a larger open space designation at Jubilee Park and along the bank of the River Tay (CD014, page 163). It was also designated as part of this wider open space in the preceding Highland Area Local Plan 2000; that Plan sought to protect important pieces of open space, particularly those adjacent to riverbanks (CD169, page 18).

It is acknowledged that this area is privately owned land. Policy 14: Open Space Retention and Provision, however, seeks to protect all areas of open space including those which have value to the community for amenity purposes. It is clear that the woodland at Torwood House has formed part of a wider network of amenity open space along the river since at least 2000, and provides a wooded backdrop to Jubilee Park. Whilst it is not publicly accessible land, it makes a valuable contribution to the setting of this section of the River Tay and the wider landscape.

Although not seeking a housing allocation, the respondents have indicated that if the open space designation is removed they do intend to explore the potential for a housing development on the site. Policy 38B: Trees, Woodland and Development presumes against the removal of ancient semi-natural woodland and Policy 14: Open Space Retention and Provision presumes against the loss of amenity open spaces. It is therefore considered important that the open space designation in and around Jubilee Park is retained in its entirety.

No modification is proposed to the Plan.

Reporter's conclusions:
Reporter's recommendations: