LRB-2020-09 – 19/01881/IPL - Residential development (in principle), land 80 metres north east of Powmill Milk Bar, Powmill

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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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100241946-001

The online reference 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:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *	info@arthurstoneplanning.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	85
Last Name: *		Address 1 (Street): *	High Street
Company/Organisation	Dilan Developments	Address 2:	
Telephone Number: *		Town/City: *	Newburgh
Extension Number:		Country: *	Fife
Mobile Number:		Postcode: *	KY14 6DA
Fax Number:			
Email Address: *	info@arthurstoneplanning.co.uk		

Site Address Details

Planning Authority:	Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

Land 80 metres north east of Powmill Milk Bar, Powmill

Northing	698448	Easting	302072

Description of Proposal

Please provide a description of your 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)

Residential development (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 a 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 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 submitted statement of Reasons for Seeking Review.

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 be considered in your review: * (Max 500 characters)

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)

Statement of Reasons for Seeking Review

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/01881/IPL

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

12/11/2019

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

21/01/2020

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 a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

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)

A site visit would enable a full appreciation of the merits of the site and understanding of its characteristics in the context of the village of Powmill, as set out in detail in the submitted statement.

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)

The site is well enclosed by trees/hedging and access on to the site itself would require care.

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: Mrs Alison Arthur

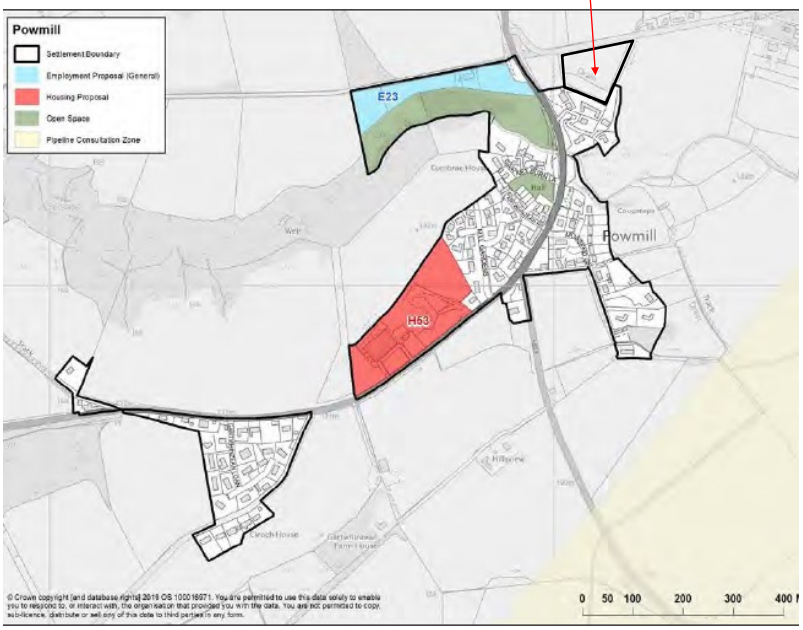
Declaration Date: 16/03/2020

Notice of Local Review

19/01881/IPL Residential development (in principle)

Land north east of Powmill Milk Bar, Powmill.

Statement of Reasons for Seeking Review



Dilan Developments

March 2020

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& Architectural Design

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RTPI Chartered Town Planner

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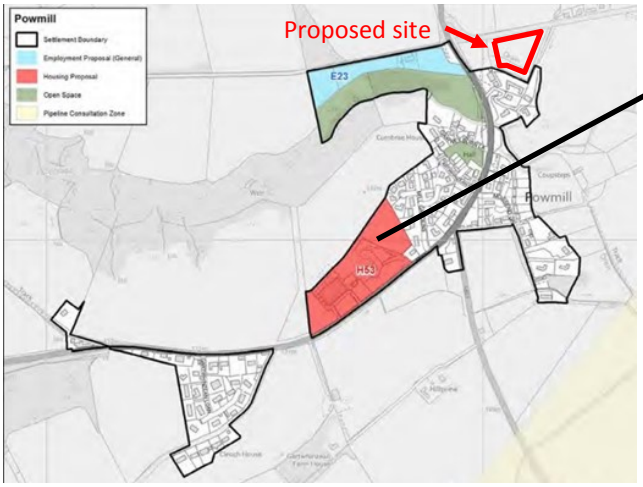
EXECUTIVE SUMMARY

This site provides a high quality environment for future residents and will be an effective site, enabling a modest number of houses to be developed in Powmill within the next 5 years.



The allocated site for housing development within Powmill, H53 Garwhinzean, shows no likelihood of providing houses within the next 5 years. It has been identified in the Council's Plans **for more than 20 years**, has had planning consent lapse twice with no development on the ground, has contamination and flooding constraints, and the developer of the site is not known to be currently active.

The Council's adopted Local Development Plan 2019 provides justification for this application through its compliance with the new Policy 24: Maintaining an Effective Housing Land Supply. There is an opportunity for the LRB to approve the application on the basis that the H53 Gartwhinzean site will not contribute to the 5 year housing land supply.

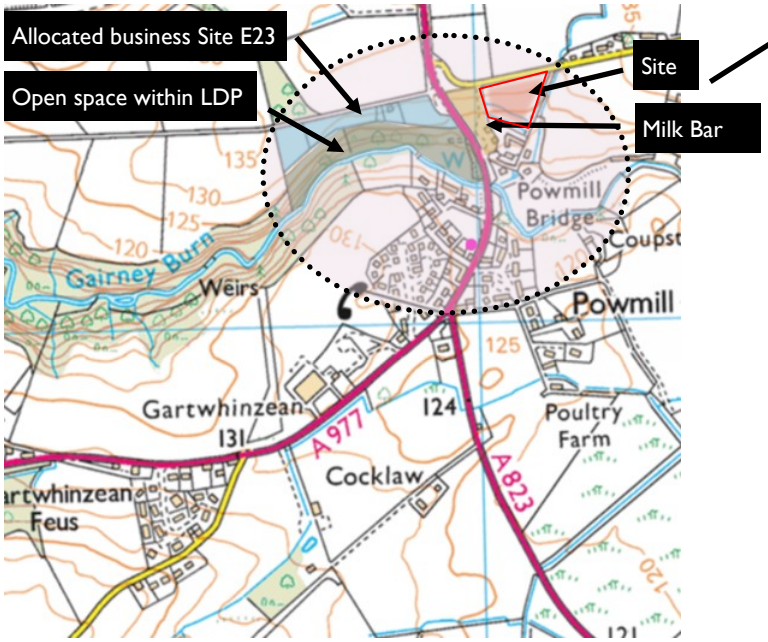
The existing mature trees and hedging bounding the site provide an excellent landscape setting and containment for future housing. The site lies below the ridge of the land rising from Powmill and hidden from the A977 by the Gairney Den. Any views of the site are very limited, and houses would sit comfortably within this site will no detrimental visual impact on Powmill or the landscape character and qualities of the wider area.

Access to the site and road safety is acceptable to the Council's Transport Planning team. The details the team requires, including parking spaces, visibility splays, passing places and footway would all be set out in a further detailed application.

The small size, shape, slope and tree edge to the site all add to it being difficult to use as agricultural land, unsuited to modern farming and now unused for several years.

The site is generally free of constraints to its development. It is not a designated wildlife site and the proposal will provide opportunities to protect and enhance the biodiversity of the site.

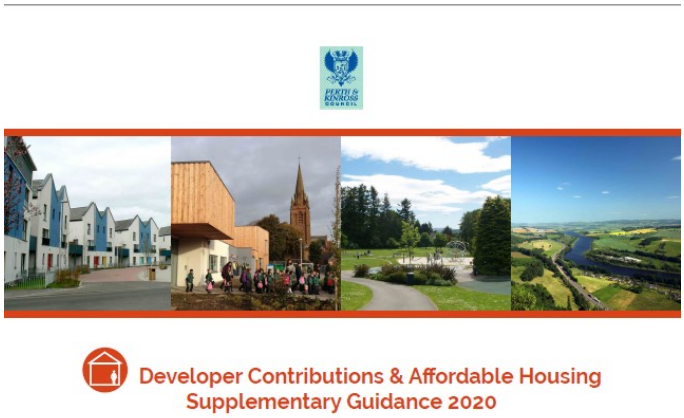
The site is not at risk of flooding and a drainage design would be prepared as part of a further detailed application. Scottish Water has no objection to the proposal.



The site is well located in terms of the pattern and layout of Powmill and its boundaries will provide a strong edge and gateway to the village.

Additional planting can further enhance the landscape framework for development and the village edge.

The large field to the east of the application site is available to the community. This field has been put forward to the Council as development land in the preparation of previous development plans. However, the applicant no longer has any aspiration to develop this land and demonstrates this in the belief that it provides an opportunity for community benefit. Sustainable drainage for the site can also be provided within this field.



The development of the site will provide developer contributions, in line with the Council's guidance, including to primary school capacity and affordable housing.

This application, in principle, provides an opportunity for a modestly sized housing proposal for Powmill, providing a high quality environment for future residents. It is envisaged that 12 houses can be accommodated on the site, allowing ample additional space for open space and landscaping.

The development of this site will bring community benefits. New residents may be local, seeking to stay in their own community or may be new economically active residents moving into the community, supporting local facilities and businesses and engaging with the wider community.

There has been continued support for the proposed site during the preparation of LDP1 and LDP2. The persistent reason for its exclusion has been the likelihood of the long time identified Gartwhinzean H53 site bringing forward housing.

Extract from LDP2 Proposed Plan preparation

● Site submitted in representation re H370

'According to the Main Issues Report for the adopted local development plan, the inclusion of site 715, which included the extent of H370, was considered acceptable in principle by the council only if other sites could not be brought forward...

I agree that Aldie Road and the track leading to Powmill Farm Steadings would constitute strong settlement boundaries. I also accept that, as a greenfield site, H370 has fewer constraints to development than does H53, especially with regard to land contamination.'

(Extract from LDP2 Examination Report 2019 — Reporter's conclusion on the submitted site, known as H370, [site smaller than earlier submissions, current application site now again smaller, excluding Milk Bar]

'There are already sufficient housing opportunities available within Powmill...This proposal is proposed to replace existing allocations in the village but the preferred strategy is to support the brownfield development of the Gartwhinzean Hotel and steading which has planning permission until 31st March 2016.'

(Extract from Proposed Local Development Plan 2— Site Assessment 2018, Officer Comments)

'Preferred strategy is to support the brownfield development of the Gartwhinzean Hotel and steading which has planning permission until 31st March 2016.'

(extract from Main Issues Report for Local Development Plan 2—Committee Dec 2015)

1.0 Introduction

1.1 The applicant, Dilan Developments, submitted a planning application in November 2019 for residential development (in principle) on land adjacent to the Powmill Milk Bar to the north east of Powmill (19/01881/IPL). Dilan Developments is a local company, based in Kinross, and with a successful record of high-quality house development across Perth and Kinross. The application is now submitted for the consideration of the Local Review Body.

1.2 The applicant believes that this is an ideal site for housing development which can effectively provide modest growth for Powmill, with a high-quality environment for future residents. This small growth will also bring economic and social benefits to the wider community without any undue burden on infrastructure. Environmental benefits will be achieved through the contribution the site can make to the wider green network, local biodiversity and landscape enhancement. Alongside this proposed development there is also an opportunity for the provision of additional land for community use, should this be welcomed.

1.3 The site is well located, in terms of being a rural village, with a village facilities and local access to further services, including schools, healthcare, shops and public transport in surrounding villages and towns. The site is readily accessible to walking and cycling routes.

1.4 Constructive discussion with the Council's Development Plan team during the preparation of the now adopted Local Development Plan advised that the site presented a highly rated development site, with no constraints to its effective development. The passage of the site through the Local Development Plan process did not highlight any obstacles to its potential for development and its ability to contribute housing land to the Kinross Housing Market Area. The site has not progressed to becoming an allocated site due to the existing allocated 'Gartwhinzean' site (H53). Included in the Development Plan, in various forms, for almost 20 years without development, it has been continued into the Adopted LDP 2019 with the aspiration that it will provide houses on the ground within the 5 year Plan period. We contend that this is an unlikely scenario.

1.5 The applicant wishes to highlight that the concept of development on this site is in no way similar to the proposal submitted during the preparation of both the first LDP and the now adopted LDP 2019 and which may still remain uppermost in the minds of those responding to the proposal. That proposal was for a very large mixed use development including housing, commercial, retail and leisure uses. Subsequently, a smaller site was proposed during the Plan process including the current site and the Milk Bar site. This current application is now solely for the small enclosed field to the east of the Milk Bar. The larger field is no longer part of any development proposal and the applicant has indicated his willingness to make this available for community benefit.

1.6 It is very encouraging that the Powmill community has welcomed the potential opportunity for housing development, apparent in the Local Development Plan preparation process. We are aware that the Fossoway Community Council and the Community Strategy Group have very actively engaged in the development planning process, since the time of the preparation of the first Local Development Plan. It is apparent from its survey work that the local community welcomes further development in Powmill and particularly where this would bring benefits including improvements to the local path network and the provision of community open space. We note that during the Plan preparation process of the first Local Development Plan the community had identified additional land for potential development to the south of the H53 Gartwhinzean site, and additional to the allocation, suggesting that it is responsive to the opportunities and benefits to be gained from development.

1.7 We contend that the allocated Gartwhinzean site is hindering the potential for any housing development in Powmill. We strongly argue that it is not 'effective' development land capable of providing housing to meet the Council's requirements for housing land within a 5 year period. Dilan Development's site will provide effective land for a modest scale housing development and the Council's recently adopted policy H24: Maintaining the Housing Land Supply enables the LRB to give this application favourable consideration.

1.8 A statement in support of the proposal was submitted with the original application, including an appraisal of the site and surrounding area, details of the proposal and its compliance with the Council's policies and supplementary guidance. This is resubmitted as part of this review in Appendix 1 and, with respect, we ask the Local Review Body to give it full consideration.

1.9 The applicant is seeking a review of this application believing that, on balance, the assessment of the application and the submitted supporting information merited an approval, subject to certain usual conditions and a legal agreement.

2.0 Response to Reasons for Refusal

2.1 The application, 19/01881/IPL, was refused under delegated powers, with a decision issued on the 21st January 2020.

2.2 We are disappointed that there was no contact from the case officer during the assessment of the proposal and prior to the ultimate refusal of the application. We are very aware that the Planning and Development Service's procedure, as advised to applicants, requests that no contact should be sought with the case officer during the statutory period for determining the application (in this case 2 months), to enable the case officer to concentrate on dealing with the application. The written advice includes that '*You will normally only be contacted during that period if we need you to give further consideration to a particular issue …*'

2.3 As a request had been made by the Council's Tree and Biodiversity Officer for further information, we would have expected contact from the case officer to discuss this matter, even if the recommendation of refusal was to be unchanged. Our client should have been given the opportunity to submit the required information, or possibly to withdraw the application. We believe that it is a courtesy and good customer service, given the planning fee of more than £4K, to advise of a recommendation for refusal. This lack of contact compromised our ability to provide optimum service to our client. It is also unfortunate that there appears to be a delay of several days with the 'Tracking' facility for application updates online. This has meant that we were only aware of the consultation response from the Tree and Biodiversity Officer on the date the application was refused, giving us no opportunity to contact the case officer. In addition, the decision notice was published online several days prior to our receipt of the paper copy by post or the 'tracking' update email to alert us to the online notice. We believe that the applicant and agent should be made aware of a decision in advance of its public availability.

2.4 We appreciate that these are procedural matters and offer our comments above as customers of the Planning and Development Service and that they may provide useful feedback in relation to this stage of the development management process. We have experienced excellent service and communication in other aspects of the process. However, we do believe that this situation has an adverse impact on the content of the Report of Handling and has created Reason for Refusal 4, below.

2.5 <u>Reason for Refusal 1</u>

1 The proposal is contrary to Policy 6 'Settlement Boundaries' of the adopted Perth & Kinross Local Development Plan 2019, as the proposed development site is located out with the defined settlement boundary of Powmill and the development of this site would link an existing building group with the settlement boundary, thus forming a large extension to the defined settlement.

2.6 The Report of Handling indicates that as the proposal is immediately adjacent to the Powmill settlement boundary it is contrary to Policy 6 as the development of this site would lead to an expansion of the settlement into the countryside and further that any approval would undermine the objectives of Policy 6.

2.7 In fact, policy 6 allows for the approval of development on sites adjoining settlement boundaries where a proposal meets with additional criteria a) – d). No reference is made to this fundamental part of applying the policy in the Report of Handling's assessment of the proposal.

2.8 The applicant's justification for the proposal is that it is supported by criterion c: *required to address a shortfall in housing land supply in line with Policy 24: Maintaining an Effective Housing Land Supply* and also that it complies with the required criterion d: *will not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).*

2.9 The Report of Handling makes no reference to the details of the case presented in the submitted Supporting Statement in terms of compliance with Policy 6. The Report of Handling makes no assessment of the proposal specifically in terms of Policy 24: Maintaining an Effective Housing Land Supply. The Report of Handling does include a reference in general terms to the case made in the Supporting Statement and that the site was the subject of a representation during the consultation for LDP2. The Report of Handling includes that '*As the newly adopted Local Development Plan (November 2019) has been through all relevant consultation and assessment I am satisfied that the appropriate sites in the Powmill area have been selected and there is no justification for the development of this site'.*

2.10 The applicant acknowledges that the application site is out with the settlement boundary and recognises that the Council's LDP 2019 is up to date. However, the Report of Handling does not contain any critical assessment of the proposal in terms of Policy 24 which <u>emphasises the Council's commitment to maintaining a five year supply of effective housing land at all times</u>. It includes the opportunity for the Council to consider proposals on unallocated sites where it is satisfied of the failure of sites within the housing land audit.

2.11 The applicant makes the case that the allocated LDP 2019 site H53 Gartwhinzean has a long planning history with no development forthcoming. During the preparation of the LDP the site was considered favourably, being brownfield and already allocated within the first LDP. At the time of the preparation of the Main Issues Report the site continued to have extant consent, lapsing at the end of March 2016. The site has had potential for development both through allocation and planning consents for 20 years or so with no development on the ground. It is of note that both the Council and the Reporters in the Examination of the Council's Local Development Plans have noted constraints with the site and the envisaged difficulties with its development.

2.12 The H53 site is included as an 'effective' site in the Perth & Kinross Housing Land Audit 2019 meaning that it was considered to meet the Scottish Government's test for 'effectiveness'. However, the applicant disputes that this site is genuinely effective, particularly in terms of its ownership. We refer members of the Local Review Body to the content of the application Supporting Statement which considers this argument more fully.

2.13 We also refer members to the Homes for Scotland publication which outlines its involvement in the housing land audit process and its role in improving the accuracy and usefulness of audits. Scottish Planning Policy advises planning authorities to work with housing providers when preparing housing land audits, to ensure they are realistic and up to date. It includes comments on the Scottish Government's criteria for determining effectiveness (PAN 2/2010) that '*Homes for Scotland considers that a site can only really be considered effective if it is owned or controlled by a developer'*. Our understanding is that the H53 Gartwhinzean site is not owned by the developer noted in the Council's Housing Land Audit 2019, although the developer may have some control over the site.

2.14 Using its industry knowledge Homes for Scotland also adds further comments including in relation to planning consent. Its list of assumptions includes that *'If consent expires before construction starts the site will be considered non-effective unless the council supplies evidence of activity'*. Consent has expired for the H53 Gartwhinzean site.

2.15 The applicant seeks Local Review Body's consideration of this proposal in terms of Policy 6: Settlement Boundaries and consequently Policy 24: Maintaining an Effective Housing Land Supply. Further details of the applicant's submission are included in the application Supporting Statement included as Appendix 1.

2.16 <u>Reason for Refusal 2</u>

2 The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2019 and the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.

2.17 The Report of Handling includes, in the Policy Appraisal section, an assessment of the application in terms of Policy 19: Housing in the Countryside and concludes that the proposal does not meet with any of the acceptable categories of development, although with no detail of how this conclusion was reached. The Report includes that our submitted Supporting Statement *'does not address Policy 19 therefore there is no suitable justification for this site to be developed as residential'* and that this would be included as a reason for refusal.

2.18 The application site adjoins the Powmill settlement boundary and our interpretation of Policy 6: Settlement Boundaries is that 'development' proposed in this location is assessed in terms of criteria a)-d) of Policy 6 and not Policy 19: Housing in the Countryside. Policy 6 states that '*Where there is no defined boundary, or for proposals on sites that do not adjoin a settlement Policy 19: Housing in the Countryside, or Policy 8: Rural Business and Diversification will apply.'* We approached the justification of this proposal as a small scale addition to Powmill to meet the Council's housing land requirement. We question the applicability of Policy 19: Housing in the Countryside to the decision on this proposal.

2.19 Reason for Refusal 3

3 The proposal is contrary to Policy 39 'Landscape' of the Perth and Kinross Local Development Plan 2019 as it erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character through the expansion of the defined settlement of Powmill into the countryside.

2.20 The Report of Handling includes a brief reference to 'Landscape and Visual Impact' stating that the application site is '*vital*' in maintaining a visual gap between the houses further east of Aldie Road and the settlement edge of Powmill. Reference is also made to the proposal resulting in '*urban sprawl into the countryside*'

2.21 However, there is not detailed consideration of the proposal in terms of Policy 39: Landscape in the Policy Appraisal section of the Report of Handling. We would expect that given that a reason for refusal includes that the proposal is contrary to this policy there should be a more detailed assessment of the proposal in terms of this policy. The Reason for Refusal refers to the first part of the first criterion of Policy 39 only. The policy includes a further 6 criteria relevant to the assessment of the proposal in landscape terms, none of which has been considered.

2.22 No assessment is made in the Report of Handling of the settlement form of Powmill, its character and features, settlement edge or sense of arrival, all relevant to this application and the conclusion that the site is a vital visual gap.

2.23 No reference is made to the landscape character of the area, its attributes and valued qualities and therefore how the proposal will '*erode its local distinctiveness*'. The site does not fall within a designated national or local landscape area and therefore is not valued as part of the highest quality landscapes. However, all landscapes should be protected and enhanced, and this proposal provides an opportunity for enhancement to benefit Powmill and the wider area.

2.24 The site lies on the edge of the Aldie Hills, part of the Loch Leven Lowland Basins Landscape Character Area and the Glen Devon Landscape Character unit. (Kinross-shire Landscape Character Assessment LUC 1995). The Lowland Basins landscape type is identified as a 'busy' landscape with capacity around the edge of settlements for some new development and opportunities to bring positive benefits. The Devon Gorge area has significant capacity to absorb development, particularly on its upper slopes. Powmill has grown into one community from the development around several older farm clusters and the existing settlement form could accommodate continued small growth on this site around the cluster associated with the former Powmill farm and steading.

2.25 The Examination Report of the now adopted LDP 2019 included the Reporter's assessment of the submitted site and that *'I agree that Aldie Road and the track leading to Powmill Farm Steadings would constitute strong settlement boundaries'*. (para 79 Examination Report)

2.26 The applicant, following discussion with Council officers during the preparation of the LDP 2019, had received positive feedback that the exceptionally well contained nature of the site did not present difficulties for development in landscape terms. We highlight that during the preparation of the LDP 2019 the 'site' as proposed had been greatly reduced in size (excluding the open field to the east) and that landscape concerns had been related to the visual impact of the development of this much larger and more visible site, **not** the area now under consideration in this application.

2.27 The settlement boundary, as indicated in the LDP 2019 includes allocated land to the west of the A977 at this northern point and this site to the east would provide a balance to the development of the settlement on this northern edge. It can be an appropriate growth of the village with the development pattern respecting the existing Powmill, integrated with the landscape. The development can be outward looking and linked to the community through a well-developed landscape framework.

2.28 We see no reason to maintain a substantial gap between Powmill and this group of houses. In any case, the site is extremely well contained and there is opportunity to further enhance it through site layout and a landscape framework. The development of the site will therefore have minimal impact on this 'visual gap'. The site and Aldie Road and not widely viewed from the surrounding area, particularly the public view, given the topography of the area, the wooded nature of the area around the Gairney Burn and the site and the hedging along Aldie Road.

2.29 The case officer refers to 'coalescence' and 'urban sprawl'. These are terms to describe an entirely different situation. Coalescence generally refers to the merging of settlements or at least substantial groups of development and urban sprawl to the rapid growth of cities and towns. We believe that this is an unreasonable assessment of the situation. The group of houses on Aldie Road is a strip of ribbon development, without any merit in terms of its own character or form.

2.30 We would add that the allocated site at Gartwhinzean (H53) arguably has a greater impact in terms of these concerns of the case officer, in respect of the location, the linear nature of the site and its relationship/proximity with the hamlet at Gartwhinzean Feus.

2.31 A future detailed application would be prepared with full cognisance of both the Council's Placemaking and Landscape Supplementary Guidance and related policies.

2.32 Reason for Refusal 4

4 The proposal is contrary to Policy 41 'Biodiversity' of the Perth and Kinross Local Development Plan 2019 as a lack of information has been submitted in relation to biodiversity.

2.33 We appreciate that the provision of further biodiversity information may not have changed the case officer's recommendation and the ultimate decision but it would have allowed an opportunity for it to have been a consideration in the assessment of the proposal.

2.34 The Report of Handling, in recording the consultation responses to the proposal, includes that the Tree and Biodiversity Officer was consulted and objected to the proposed development on the grounds of lack of information. The Report also includes that as an Extended Phase 1 Habitat Survey '*has not been received and the Biodiversity Officer objects to the proposed development, this will therefore be included as a reason for refusal…'* We emphasise that the Tree and Biodiversity Officer did **not** object to the proposal but sought further information to enable further assessment of the proposal. Our client was not given the opportunity to provide this information.

2.35 As highlighted in the Supporting Statement, the site is not subject to any statutory or non-statutory natural heritage designation, as confirmed by the Council's Tree and Biodiversity Officer. No biodiversity issues were raised during the assessment of the site (part of a larger submitted site) for the Strategic Environmental Assessment submitted with the LDP 2019 at its Proposed Plan stage. The Tree and Biodiversity Officer has indicated that the Habitat Survey should identify measure to avoid and reduce impacts, and to compensate for any loss of habitat.

2.36 Our client is content to commission an Extended Phase 1 Habitat Survey should the Local Review Body be minded to request this to aid their assessment of the application. This survey would establish the baseline condition of the site, its ecological features and identify how the site can be developed in a way which avoids ecological impacts, identifies mitigation and importantly looks for enhancement opportunities, both on site and into the wider environment.

2.37 We believe that it is not appropriate to include this reason for refusal based on a lack of information. We contend that the proposal can be supported by LDP 2019 Policy 41: Biodiversity and contribute to the Tayside Local Biodiversity Action Plan and the achievement of several of the objectives supporting this policy, including to *'Identify and promote green networks where these will add value to active travel, the provision, protection and enhancement, and connectivity of habitats, recreational land, and landscapes in and around settlements.*'

3.0 Other Considerations

Consultation Responses and Representations

3.1 Responses from the Council's Transport Planning officer and Development Negotiations officer do not raise any concerns that this proposal cannot be successfully achieved in terms of these specific areas of compliance.

3.2 Scottish Water have provided information regarding the availability of capacity, subject to further submissions at a future stage.

3.3 Fossoway Community Council have objected to the proposal. Primarily the concern is that the site is not allocated within the settlement boundary. Concerns regarding traffic and flood risk are considered elsewhere in this statement.

3.4 Several representations were made with objections to the proposal on a range of issues. Many of these concerns would be addressed at a detailed application stage and in the main the concerns would be allayed by a well designed development, complying fully with the Council's Placemaking Supplementary Guidance and the Scottish Government's 'six qualities of successful places'.

3.5 We appreciate that a fundamental concern in representations is that there is an existing allocated site within the settlement boundary. However, we contend that this is not an 'effective' site with a likelihood of forthcoming development and that this alternative site can provide opportunity for local housing and community benefit.

Residential Amenity, Design and Layout

3.6 The Report of Handling indicates that housing development on this site will achieve acceptable levels of residential amenity, both for the proposed houses and neighbouring properties, *'it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouses.'*

3.7 We highlight that the site layout and house type and elevation drawings are purely an indication of the potential of the site to accommodate future housing. There is a great potential to achieve exemplary development on this site with the considerable benefits of its south facing slope. The road layout, parking, house design and material would all be determined in a future detailed application, guided by and assessed in terms of the Council's Placemaking Supplementary Guidance and the Scottish Government's 'six qualities of successful place'.

3.8 We note that representations were made noting concerns regarding lack of privacy and again we highlight that a well thought out development would have no detrimental impact on neighbouring residential amenity.

3.9 As the Report of Handling highlights, this application is for planning permission in principle and exact impacts cannot be assessed, with these details to be assessed and determined as part of a detailed scheme. The report highlights that '*Indicative elevations and a site plan have however been submitted which show that an acceptable scheme may be achievable*'.

Road Safety

3.10 The Council's Transport Planning are content with the acceptability of the proposal, subject to a condition to ensure that it meets with the standards required by the council as Roads Authority. The requirements include the provision of an appropriately formed junction and visibility splay at the junction with Aldie Road, passing place and road widening between the Milk Bar and the site, footway and hard standing/dropped kerbs on the A977 close to the development for bus passengers to board and alight from bus services. All these requirements are readily achieved as part of future development as the necessary land is within the ownership of the applicant or can be achieved with the agreement of the Council as Roads Authority. Importantly, the requirements for this development will bring enhancements for the wider community by:

Improving access for the houses at Powmill Steading.

Improving safety on Aldie Road

Providing enhanced facilities for access to future public transport links.

Drainage and Flooding

3.11 The Report of Handling confirms that the site is not known to be at flood risk and that a future detailed scheme would address drainage issues. We consider that the drainage of the site, including the ditch running through the site provides opportunities for green and blue infrastructure enhancement and biodiversity benefits as part of an overall proposal. A future application would include a detailed drainage design and following pre application enquiries to Scottish Water. The site, and adjoining land in the applicant's ownership provides considerable opportunity to realise a good drainage solution.

Infrastructure Provision

3.12 **Education -**The Council's Development Negotiations Officer was consulted as part of this application and requested a condition to be added to any consent granted in relation to Education contributions to ensure that a future detailed application meets the requirements of the relevant policy and supplementary guidance, should there be a capacity constraint in Fossoway Primary School. The applicant is agreeable to any future contribution.

3.13 **Affordable Housing** – The applicant recognises that this site would pass the threshold of 5 units and that the Council's affordable housing policy therefore requires a 25% contribution. We note that the Council's Development Negotiations Officer recommended that a condition be added to any consent and the applicant is agreeable to this contribution.

Economic Impact

3.14 **–** The Report of Handling does highlight the economic benefits that will arise, both from the construction period but long term from the economic investment of future households occupying the development.

4.0 Conclusion

4.1 The applicant firmly believes that this proposal can be considered acceptable in terms of National policy and guidance and Perth & Kinross Council's own Local Development Plan 2019 policies and supplementary guidance.

4.2 The applicant believes that this site an ideal location for a modest housing development, contributing to the progress of housing delivery in the Kinross area. It is well located for access to services and facilities, public transport and active travel links. Its development can bring benefits for existing residents and businesses in the area along with opportunities for biodiversity enhancement and community benefit. It also provides an opportunity for providing much needed affordable housing.

4.3 With respect, the applicant seeks favourable consideration and an approval of this proposal from Perth and Kinross Council's Local Review Body.

LRB-2020-09 – 19/01881/IPL - Residential development (in principle), land 80 metres north east of Powmill Milk Bar, Powmill

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Dilan Developments
c/o Arthur Stone Planning And Architectural Design Limited
Alison Arthur
85 High Street
Newburgh
KY14 6DA

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21st January 2020

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/01881/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 28th November 2019 for permission for **Residential development (in principle) Land 80 Metres North East Of Powmill Milk Bar Powmill** for the reasons undernoted.

Head of Planning and Development

Reasons for Refusal

1. The proposal is contrary to Policy 6 'Settlement Boundaries' of the adopted Perth & Kinross Local Development Plan 2 (2019), as the proposed development site is located out with the defined settlement boundary of Powmill and the development of this site would link an existing building group with the settlement boundary, thus forming a large extension to the defined settlement.

2. The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.

3. The proposal is contrary to Policy 39 'Landscape' of the Perth and Kinross Local Development Plan 2 (2019) as it erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character through the expansion of the defined settlement of Powmill into the countryside.

4. The proposal is contrary to Policy 41 'Biodiversity' of the Perth and Kinross Local Development Plan 2 (2019) as a lack of information has been submitted in relation to biodiversity.

Justification

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

Notes

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

Plan Reference

19/01881/1

19/01881/2

19/01881/3

19/01881/4

19/01881/5

19/01881/6

REPORT OF HANDLING

DELEGATED REPORT

Ref No	**19/01881/IPL**	
Ward No	**P8- Kinross-shire**	
Due Determination Date	**27.01.2020**	
Report Issued by		**Date**
Countersigned by		**Date**

PROPOSAL: Residential development (in principle).

LOCATION: Land 80 Metres North East of Powmill Milk Bar, Powmill.

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: 16th December 2019

SITE PHOTOGRAPHS

BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for a residential development on land 80metres North East of Powmill Milk Bar, Powmill. The site is not located within a designated settlement within the adopted Local Development Plan. The site is approximately 12,000m^2 and has a south facing slope, running down towards the settlement of Powmill. An indicative site plan shows that the residential development will contain 12 detached dwellings.

The site itself is currently overgrowth and contains some trees. There is also a drainage culvert which exists to the southern end of the site. To the western boundary, the site is bound by mature trees where beyond is the access track to the Powmill Milk Bar. To the northern and eastern boundaries, the site is bound by access roads with some small trees and hedging present. To the southern boundary, the site is bound by the garden grounds of some residential properties.

SITE HISTORY

None of relevance.

PRE-APPLICATION CONSULTATION

No formal pre-application consultation undertaken.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019

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

The principal policies are, in summary:

- Policy 1A – Placemaking
- Policy 1B – Placemaking

- Policy 2 – Design Statements
- Policy 5 – Infrastructure Contributions
- Policy 6 – Settlement Boundaries
- Policy 19 – Housing in the Countryside
- Policy 20 – Affordable Housing
- Policy 24 – Maintaining an Effective Housing Land Supply
- Policy 39 – Landscape
- Policy 41 – Biodiversity
- Policy 50 – Prime Agricultural Land
- Policy 52 – New Development and Flooding
- Policy 60B – Transport Standards and Accessibility Requirements

OTHER POLICIES

Development Contributions and Affordable Housing Guide 2016

This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

Housing in the Countryside Guide

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

CONSULTATION RESPONSES

Internal

Transport Planning:
No objection to the proposed development subject to a number of conditions and considerations to be applied to any detailed application.

Development Negotiations Officer:
No objection to the proposed development subject to conditional control regarding affordable housing and primary education contributions.

Biodiversity Officer:
The Biodiversity Officer **objects** to the proposed development on grounds of a lack of information. An extended phase 1 habitat survey is required and this has not been submitted with the application.

External

Scottish Water:
There is currently sufficient capacity in the Glendevon Water Treatment Works to service the development however Scottish Water are unable to confirm capacity in the Powmill Waste Water Treatment Works.

Fossoway Community Council:
The local Community Council **object** to the proposed development as the site is not within a designated settlement boundary and concerns are raised in relation to traffic and flood risk.

REPRESENTATIONS

11 letters of representation were received **objecting** to the proposed development, including letters from the local Community Council and the Kinross-shire Civic Trust. No letters of support or general comments were received. In summary, the letters of objection highlighted the following concerns:

- Site is out-with the settlement boundary
- Proposal is contrary to adopted LDP and adopted TAYplan
- Traffic generation / road safety
- Impact on flood risk
- Impact on landscape / loss of countryside
- Loss of natural habitat
- Lack of infrastructure to serve development
- Impact on existing amenity
- Overdevelopment
- Topography of site would result in intrusive development
- No requirement for additional housing
- Lack of affordable housing

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required

Design Statement or Design and Access Statement	Submitted (Supporting Planning Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

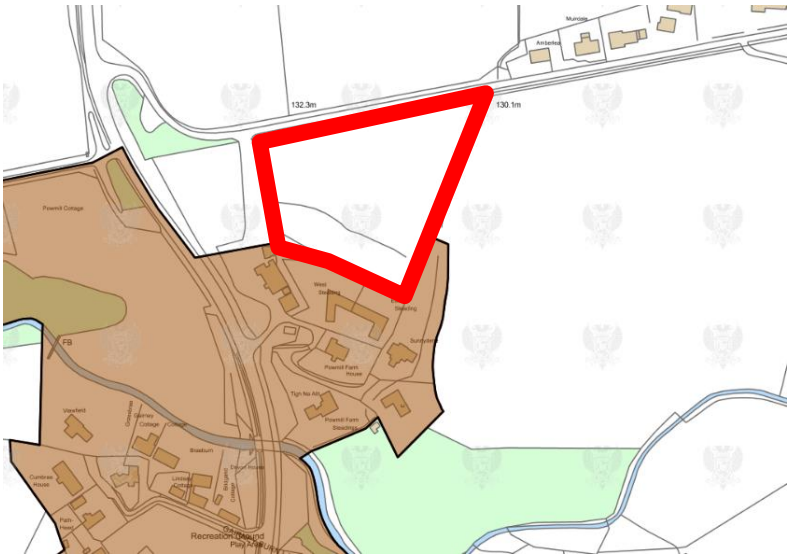
Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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

<u>Settlement Boundaries</u>

The local plan through Policy 6 'Settlement Boundaries' specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. This policy applies to this proposal as the site is not located within a designated settlement boundary. The proposal is located immediately out-with the settlement boundary of Powmill. The below plan shows the development site in relation to the settlement boundary of Powmill:



Settlement boundary of Powmill (brown) showing application site (red)

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As the proposal is immediately adjacent the settlement boundary, this therefore makes the proposal contrary to Policy 6 'Settlement Boundaries' as the development of this site would lead to an expansion of the settlement into the countryside. It is also clear that the site that is the subject of this application forms a vital role in providing a visual gap between the building group on the adjacent access road and the settlement edge of Powmill. As such the proposed development of this plot cannot be supported as it will result in the loss of the aforementioned visual gap and lead to the coalescence of the settlement of Powmill with the buildings off the adjacent road. The development of this site could also open up future development opportunities to the north and east between the application site and the adjacent building group. This would further dilute the existing settlement boundary.

The approval of this application would therefore undermine the objectives of Policy 6 and potentially encourage further piecemeal development on the edge of settlement boundaries. It is therefore important for developments such as this are resisted. This will therefore be included as a reason for refusal on this report.

<u>Policy 19 – Housing in the Countryside</u>

Notwithstanding the above, as the site is located out-with the settlement boundary and includes housing, Policy 19 *'Housing in the Countryside'* is also directly applicable. Through Policy 19, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

Having had the opportunity to undertake a site visit and assess the plans, I consider the application **does not** relate to any of the required categories:

(a) Building Groups
(b) Infill sites.
(c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
(d) Renovation or replacement of houses.
(e) Conversion or replacement of redundant non-domestic buildings.
(f) Development on rural brownfield land.

The proposal is therefore not considered to meet any of the requirements of Policy 19 *'Housing in the Countryside'*. Furthermore, the submitted supporting statement does not address Policy 19 therefore there is no suitable justification for this site to be developed as residential. As the proposal is contrary to Policy 19 this will also be included as a reason for refusal on this report.

Supporting Statement

The Supporting Statement received which was prepared by Arthur Stone Planning & Architectural Design attempts to justify this site for a residential use as they consider the site to be more suitable than the sites allocated in the adopted Local Development Plan. It is understood that the applicant made a representation during the consultation for LDP2 regarding the site which is subject of this application. This representation was dismissed by both the Council and the Scottish Government Reporter and as such the site was not included as an allocated site within the Local Development Plan. As the newly adopted Local Development Plan (November 2019) has been through all relevant consultation and assessment I am satisfied that the appropriate sites in the Powmill area have been selected and there is no justification for the development of this site.

Design and Layout

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed units. All matters in relation to Design and Layout will be considered under a detailed application. Indicative elevations and a site plan have however been submitted which show that an acceptable scheme may be achievable.

Landscape and Visual Impact

As previously mentioned, the site that is the subject of this application forms a vital role in providing a visual gap between the building group on the adjacent access road and the settlement edge of Powmill. As such the proposed development of this site cannot be supported as it will result in the loss of the aforementioned visual gap and lead to the coalescence of the settlement of Powmill with the buildings off the adjacent access road. This will have a landscape and visual impact as it will result in urban sprawl into the countryside beyond that of the defined settlement boundaries.

Residential Amenity

It is considered that the site is large enough to accommodate a residential development without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for the proposed dwellinghouses.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouses.

Biodiversity

Due to the scale and nature of the site, the site has biodiversity merit and there is a high possibility that there are habitats present. This was also raised within some of the letters of representations received. No habitat or protected species survey of the proposed development area or assessment of the likely effects from this development on habitats and species was submitted with this application.

The Biodiversity Officer was consulted as part of this application and objected to the proposed development on grounds of a lack of information. To progress this application from a biodiversity point of view, information about the biodiversity value of the site is required in the form of an Extended Phase 1 Habitat Survey. This survey should identify measures to avoid and reduce impacts, and to compensate for any loss of habitat. As this has not been received and the Biodiversity Officer objects to the proposed development, this will therefore be included as a reason for refusal on this report.

Roads and Access

The indicative site plan indicates that the development would access the existing track to the east of the site. The track is shown below:

This track would require significant works in order to suitably accommodate a residential development of this scale. Concerns were also raised within some

of the letters of representation received regarding potential traffic generation and road safety.

My colleagues in Transport Planning were consulted as part of this application and whilst have no objection to the proposed development, stated significant requirements for any detailed application. These requirements include visibility, parking, passing places, road widening, a footway and an area of hard standing. These would all be required as part of any detailed application.

As this application is only in principle, it is considered that there are no roads or access implications at this stage.

Drainage and Flooding

The site is not in an area of known flood risk although there is an existing drainage culvert which flows through the southern end of the site. This said drainage culvert is shown below:

As seen from the photograph above, a significant level of water uses this drainage culvert during wet periods. It is also noted that flooding concerns were raised within some of the letters of representation received.

Further information would be required regarding this drainage culvert at a detailed application stage to ensure that there is adequate provision for the effective drainage of the site. At an in principle stage however, I am not concerned at this as it is considered a suitable scheme could be forthcoming at a detailed stage. The lack of information submitted in relation to this drainage culvert is however noted.

Conservation Considerations

The site is not in close proximity to any listed building, conservation area or any other designated site of historical interest. It is therefore considered that the proposed development will have no adverse impact upon the historic environment.

Developer Contributions

Affordable Housing

The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.

The application is for a residential development and the indicative site plan indicates 12 dwellinghouses, which would mean that the Affordable Housing Policy would apply. The Development Negotiations Officer was consulted as part of this application and requested a condition to be added to any consent granted in relation to affordable housing.

Primary Education

The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Fossoway Primary School.

The Development Negotiations Officer was consulted as part of this application and requested a condition to be added to any consent granted in relation to Education contributions.

Economic Impact

The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated 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 2016 and the adopted Local Development Plan 2 (2019). 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.

APPLICATION PROCESSING TIME

The recommendation for this application has 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

1 The proposal is contrary to Policy 6 *'Settlement Boundaries'* of the adopted Perth & Kinross Local Development Plan 2019, as the proposed development site is located out with the defined settlement boundary of Powmill and the development of this site would link an existing building group with the settlement boundary, thus forming a large extension to the defined settlement.

2 The proposal is contrary to Policy 19 *'Housing in the Countryside'* of the Perth and Kinross Local Development Plan 2019 and the Council's Housing in the Countryside Guide 2014, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.

3 The proposal is contrary to Policy 39 *'Landscape'* of the Perth and Kinross Local Development Plan 2019 as it erodes the local distinctiveness, diversity and quality of Perth and Kinross's landscape character through the expansion of the defined settlement of Powmill into the countryside.

4 The proposal is contrary to Policy 41 *'Biodiversity'* of the Perth and Kinross Local Development Plan 2019 as a lack of information has been submitted in relation to biodiversity.

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

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/01881/1
19/01881/2
19/01881/3
19/01881/4
19/01881/5
19/01881/6

Date of Report 21st January 2020

bing maps

Powmill

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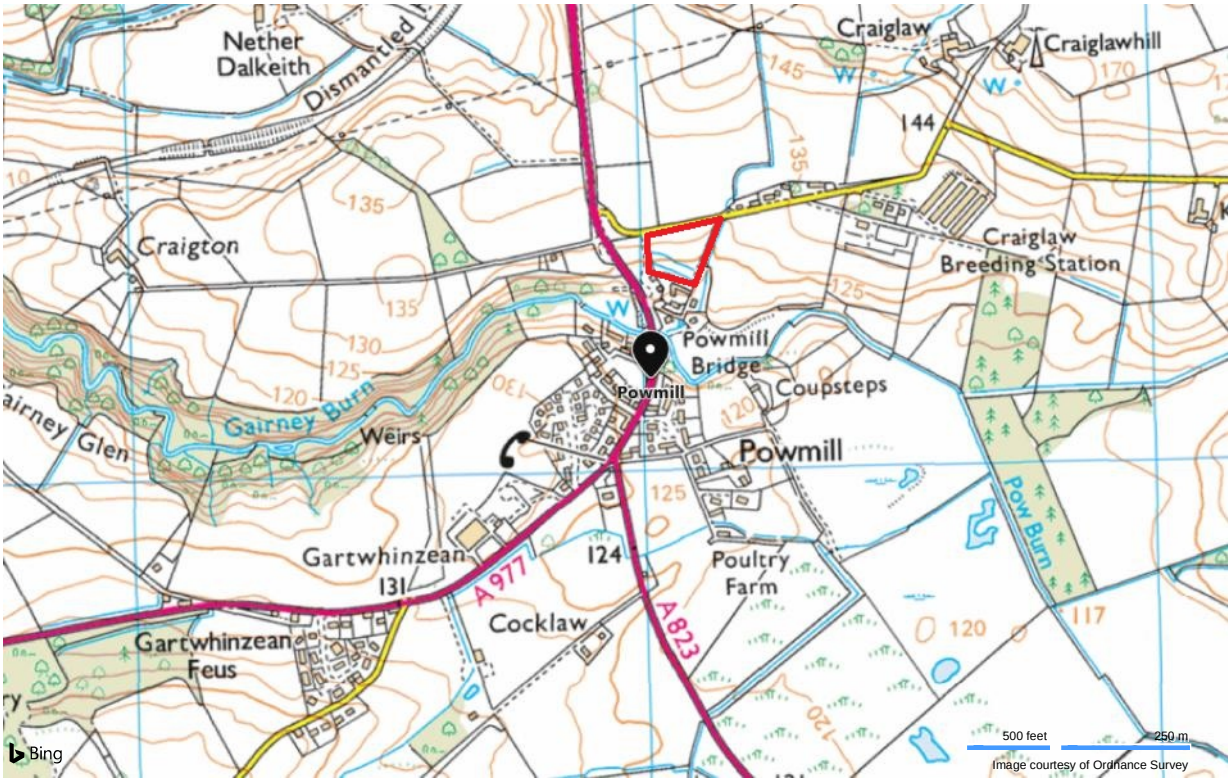

Data from: Wikipedia

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SCALE BAR 1:1250

Arthur Stone Planning & Architectural Design

Project
Proposed Residential Development on Land to the North of Powmill.

Title
Site Location Plan

Drawn	Date	Scale	Drawing No	Rev
DMcC	Oct 2019	1:1250@A2	3051-001	A

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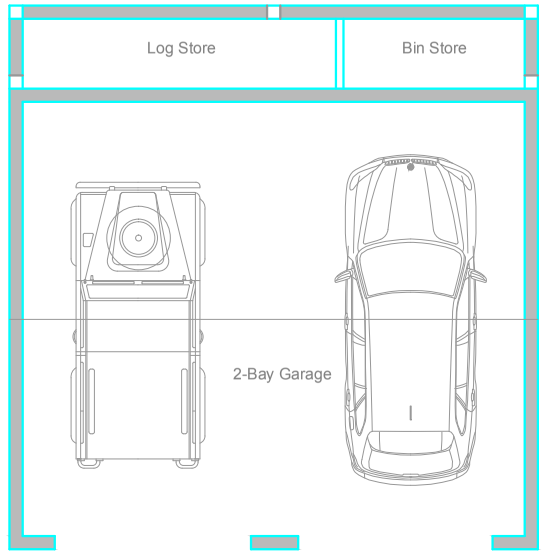

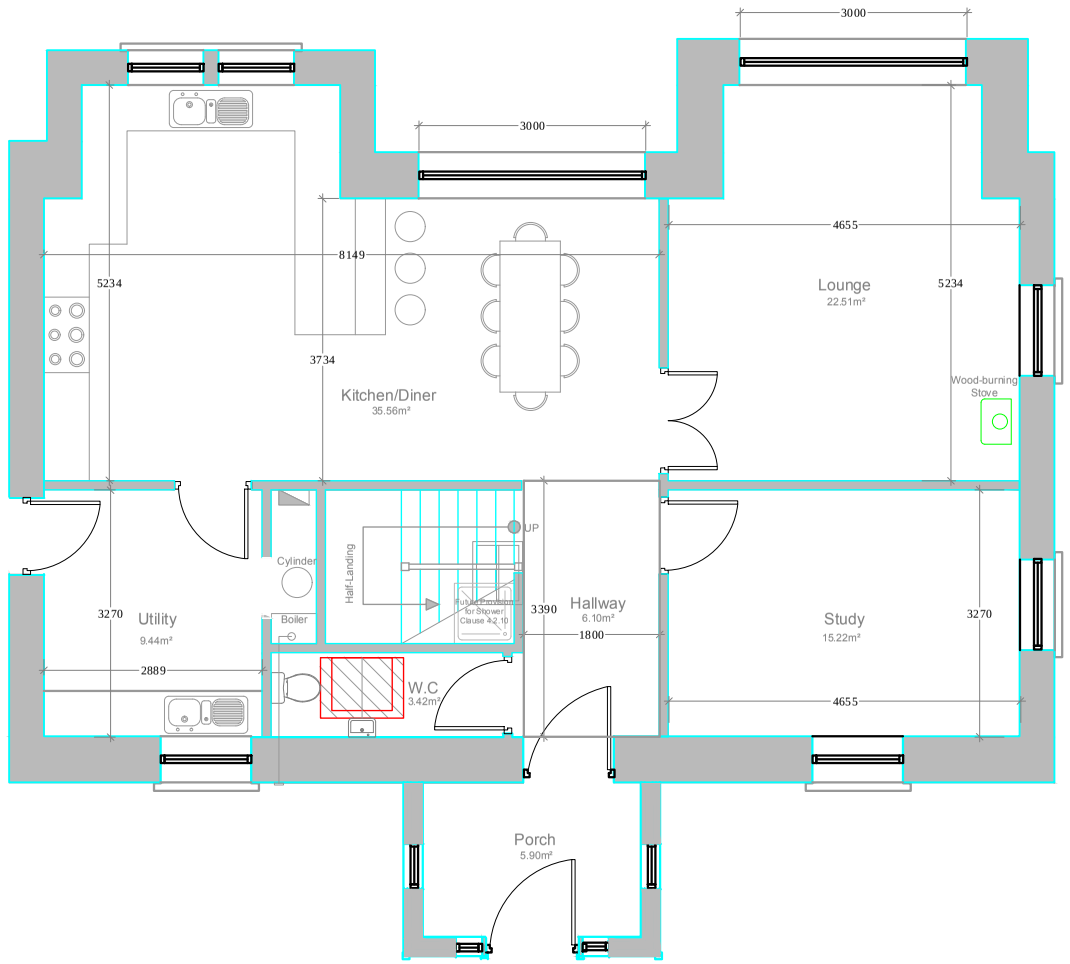

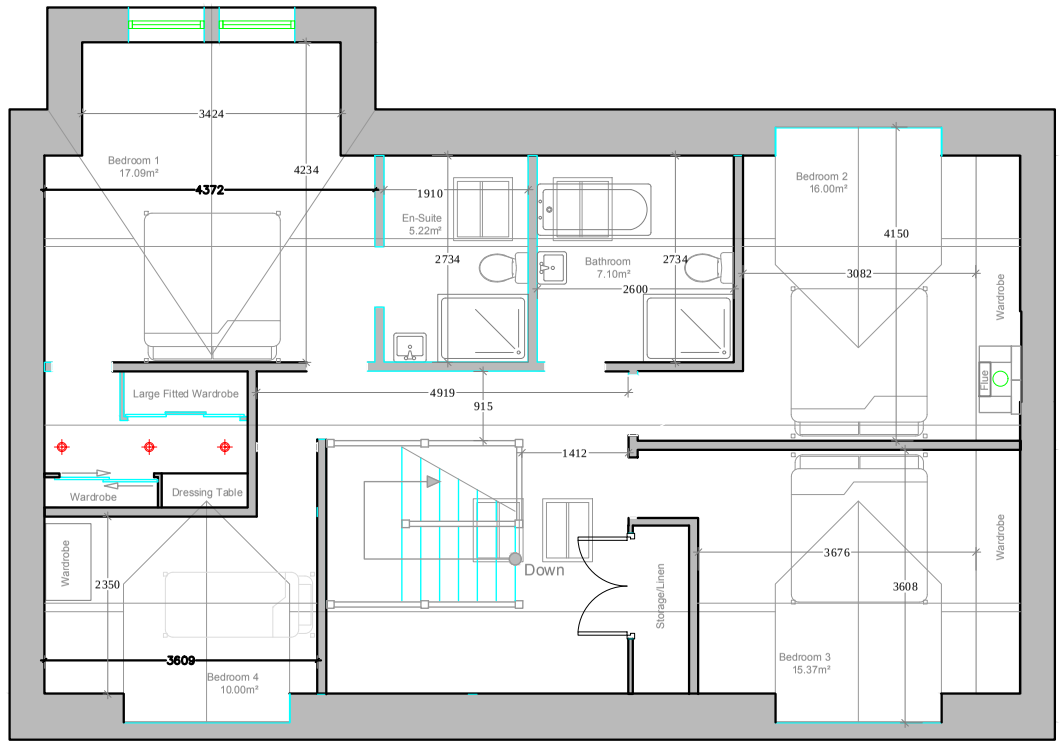

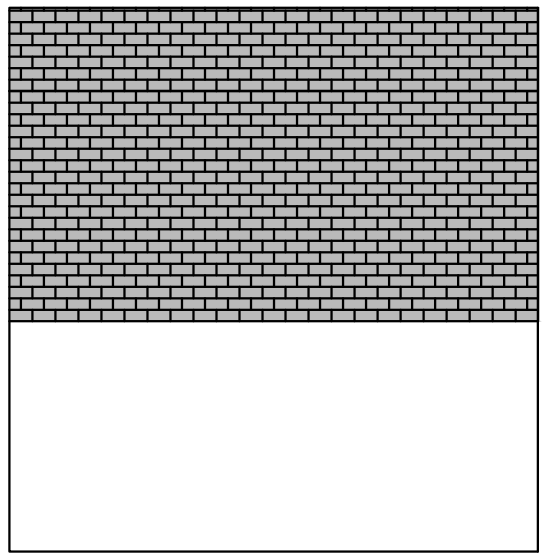

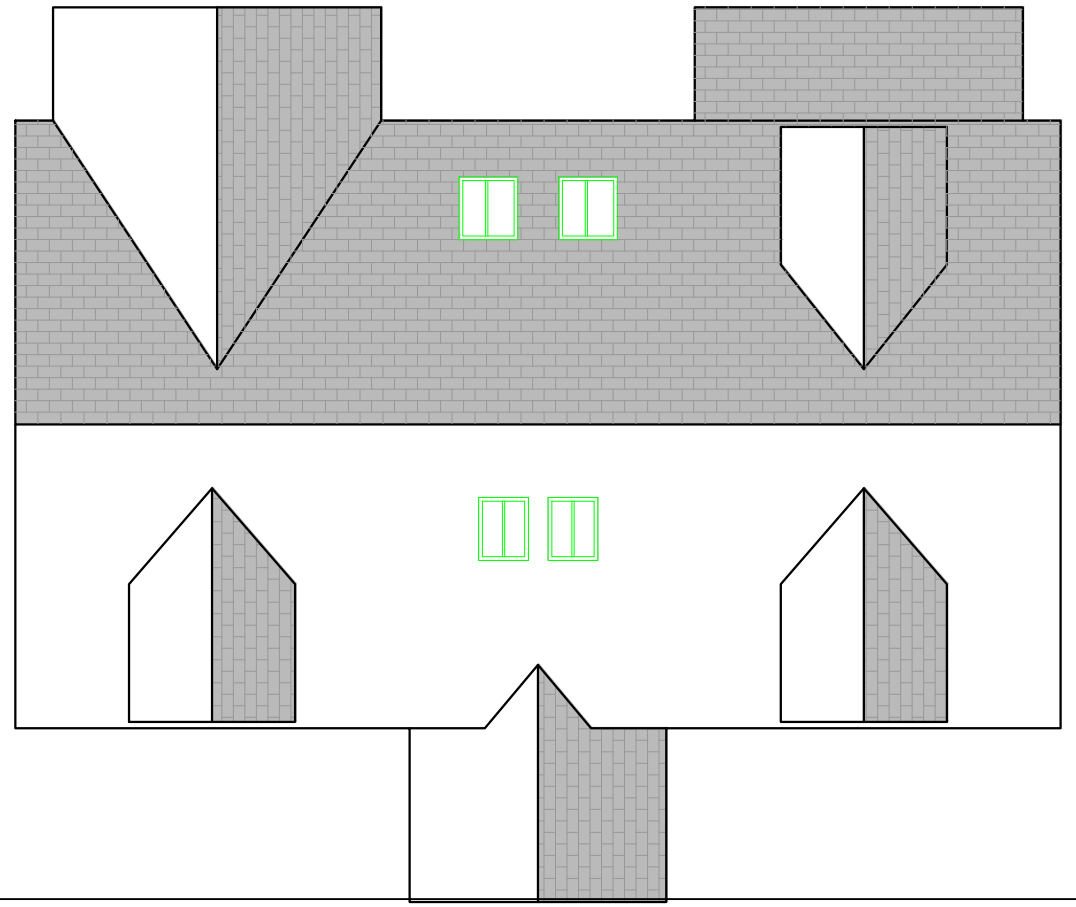

These drawings must be read as a complete set & in conjunction with all of those issued from the associated Structural Engineer.

All dimensions & levels should be checked on site by the Contractor prior to the commencement of any work.
Any discrepancies should be reported immediately to the agent.
ONLY USE FIGURED DIMENSIONS

All works to be carried out in strict accordance with Building (Scotland) Regulations 2004, as amended. All materials shall be installed or applied as per the manufacturers written instructions, with due regard to the relevant Health & Safety Legislation, COSHH & CDM Regulations.

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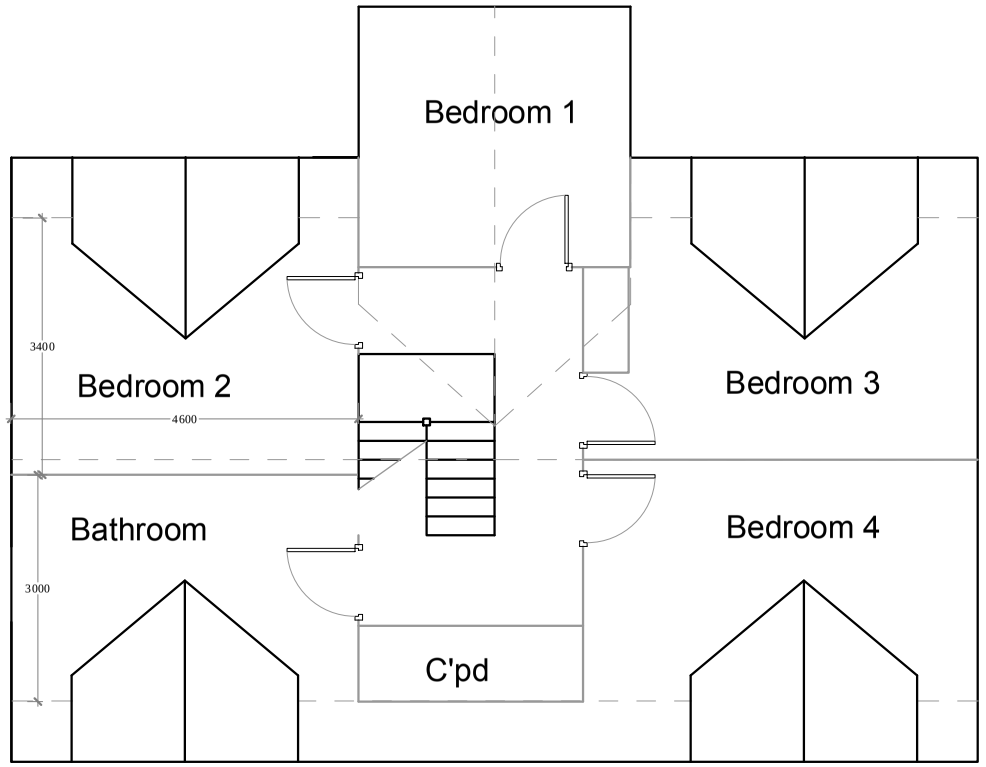
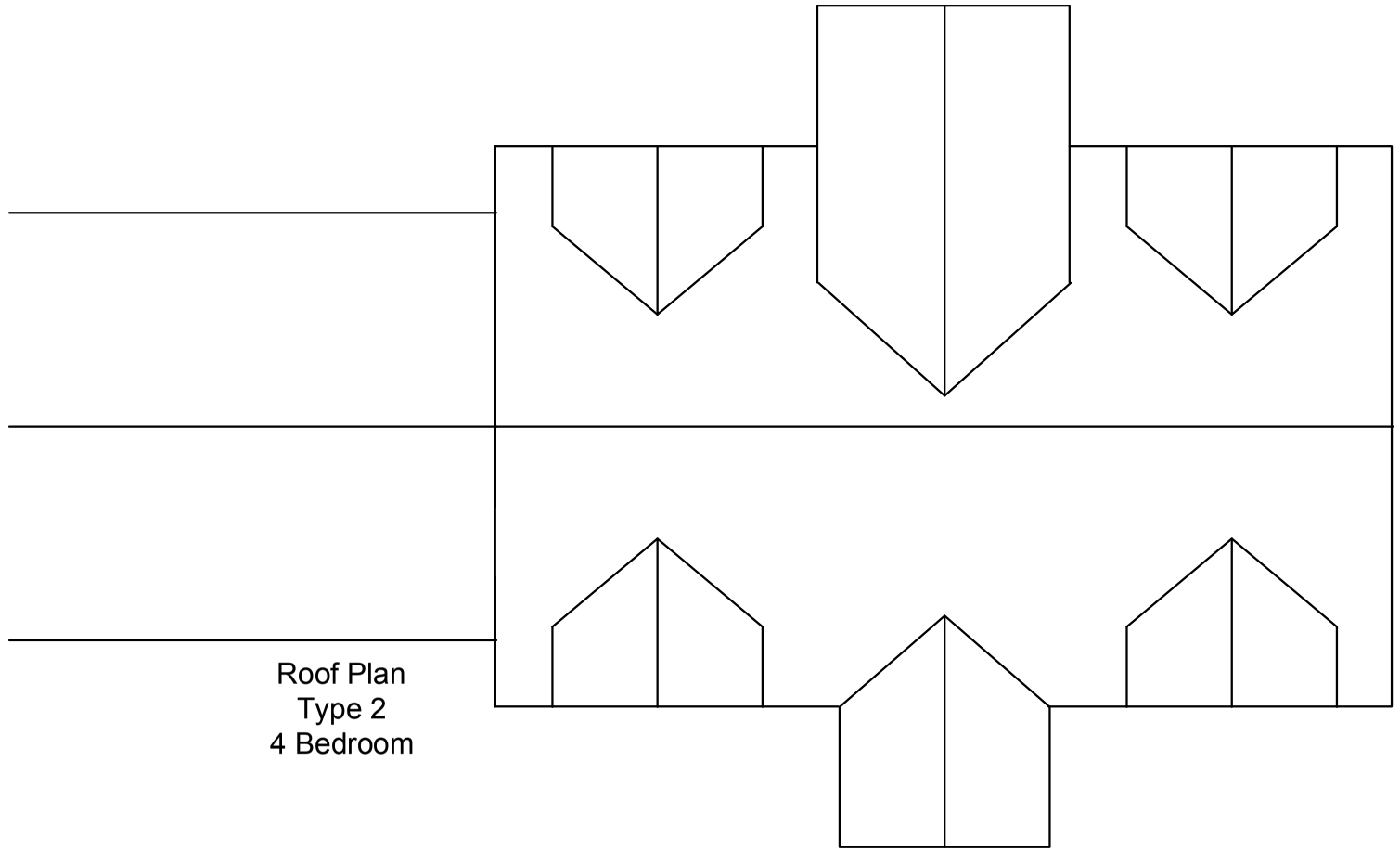
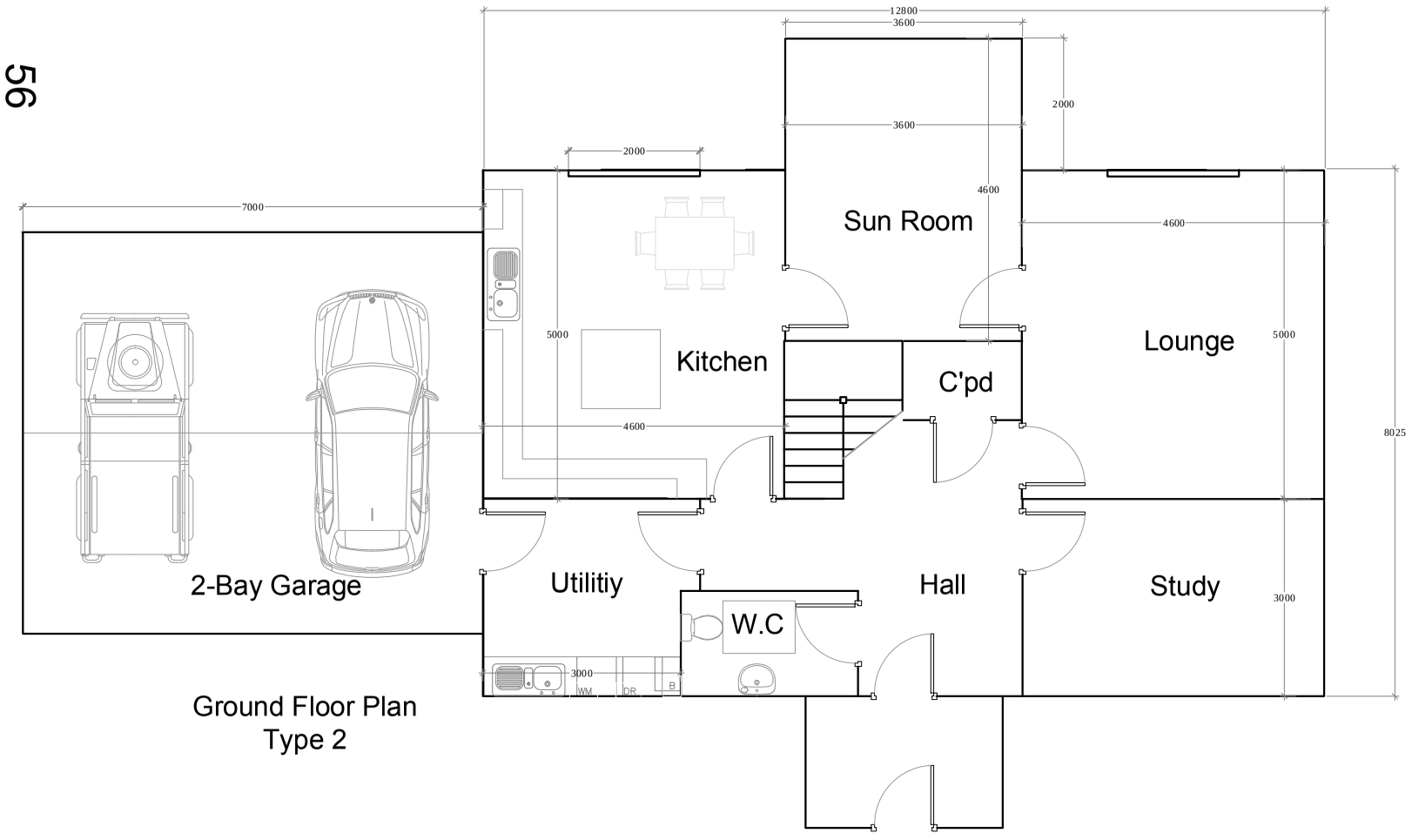
Project	Proposed Houses at			
Title	Proposed Type I Floor Plan			Status: Planning
Drawn: JBM	Date: 02.09.2019	Scale: 1:100 @ A3	Drawing No: 3051-0919-001	Rev.



1st Floor Plan
Type 2



Roof Plan
Type 2
4 Bedroom



Ground Floor Plan
Type 2

Ground Floor 105.28m²
1st Floor 87.68m²
Combined floor area
(Exc. Garage)
Net = 192.96m²

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Project	Proposed Houses at			
Title	Proposed Type II Floor Plan			Status: Planning
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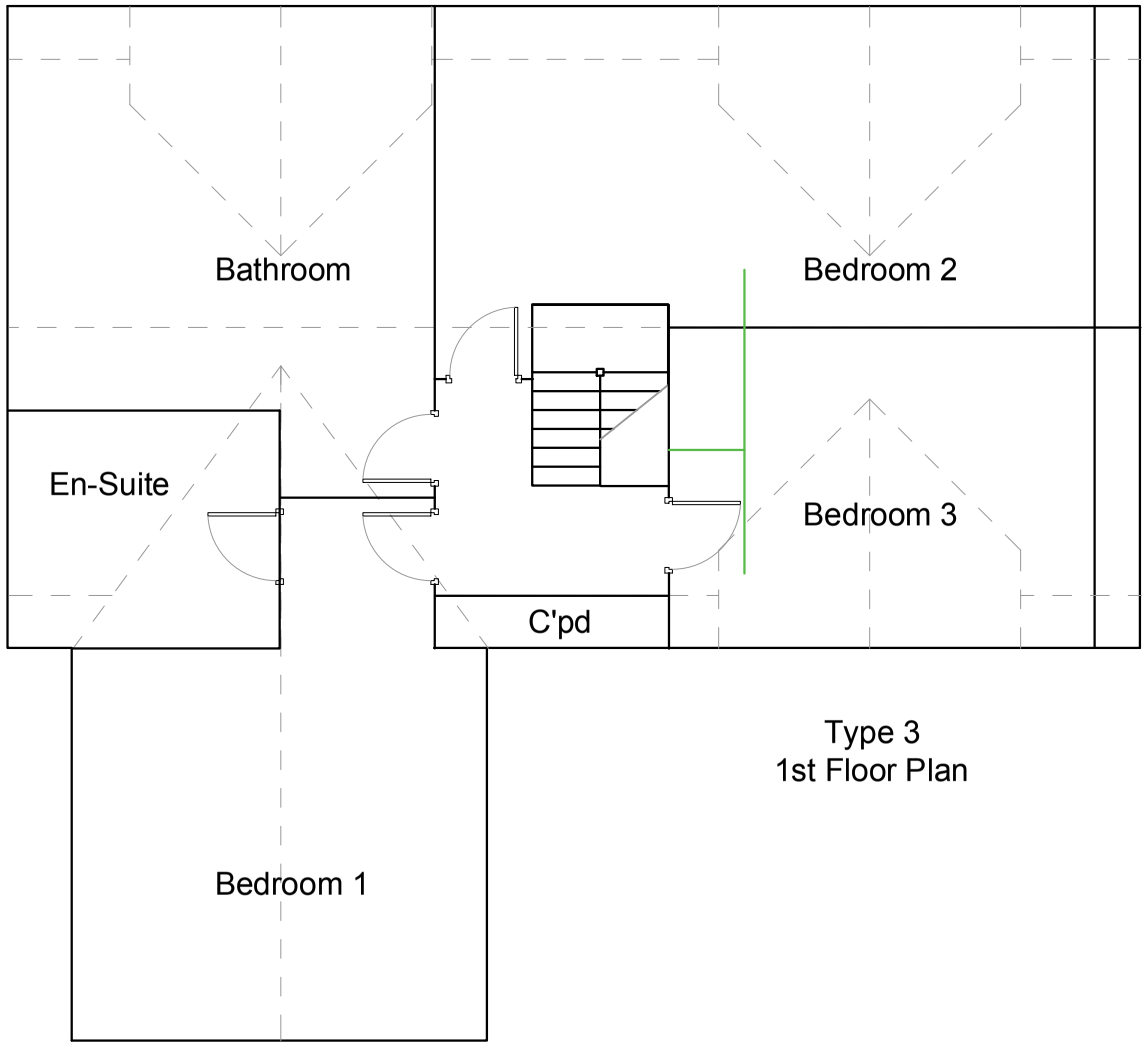
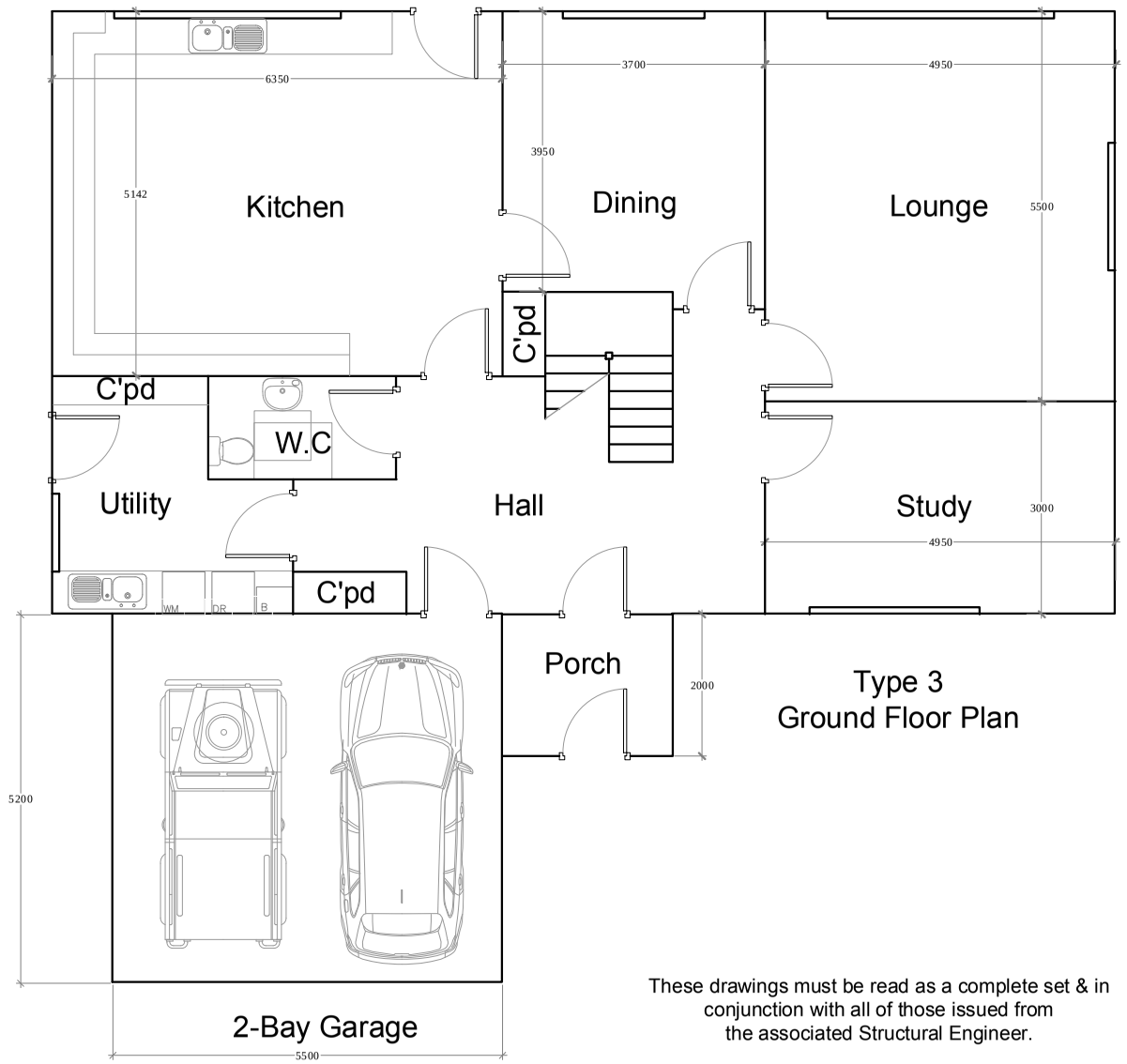
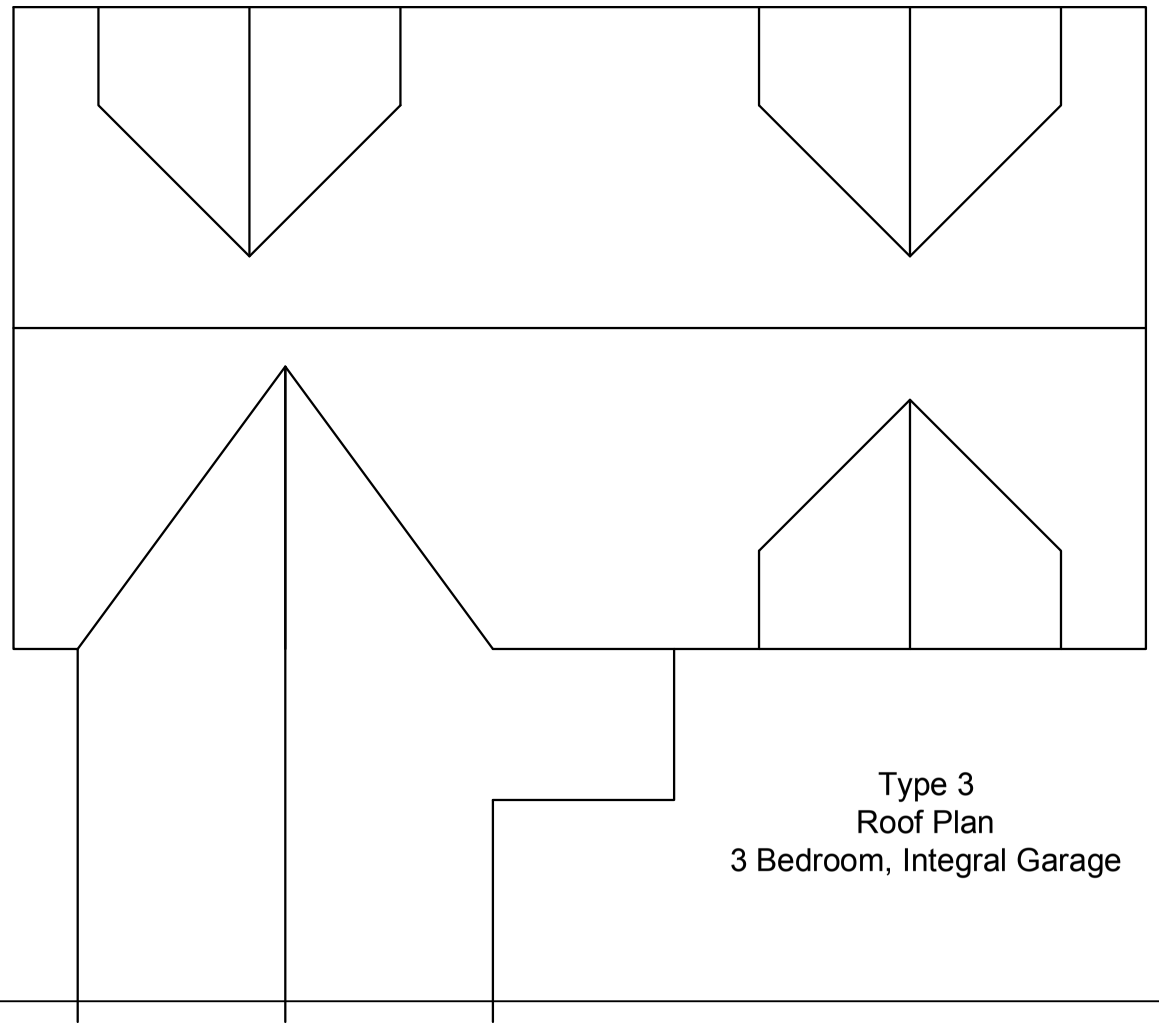


Type 3
1st Floor Plan



Type 3
Ground Floor Plan

2-Bay Garage



Type 3
Roof Plan
3 Bedroom, Integral Garage

Ground Floor 123.19m²
1st Floor 135.04m²
Combined floor area,
(Exc. Garage)
Net = 258.23m²

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Project	Proposed Houses at			
Title	Proposed Type 3 Floor Plans			Status: Planning
Drawn: JBM	Date: 02.09.2019	Scale: 1:100 @ A3	Drawing No: 3051-0919-003	Rev.

Supporting Statement

Application for
Planning Permission in Principle

Proposed residential development on land to the north of Powmill

Dilan Developments
November 2019

Arthur Stone Planning
& Architectural Design

85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088

RTPI

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01 Introduction

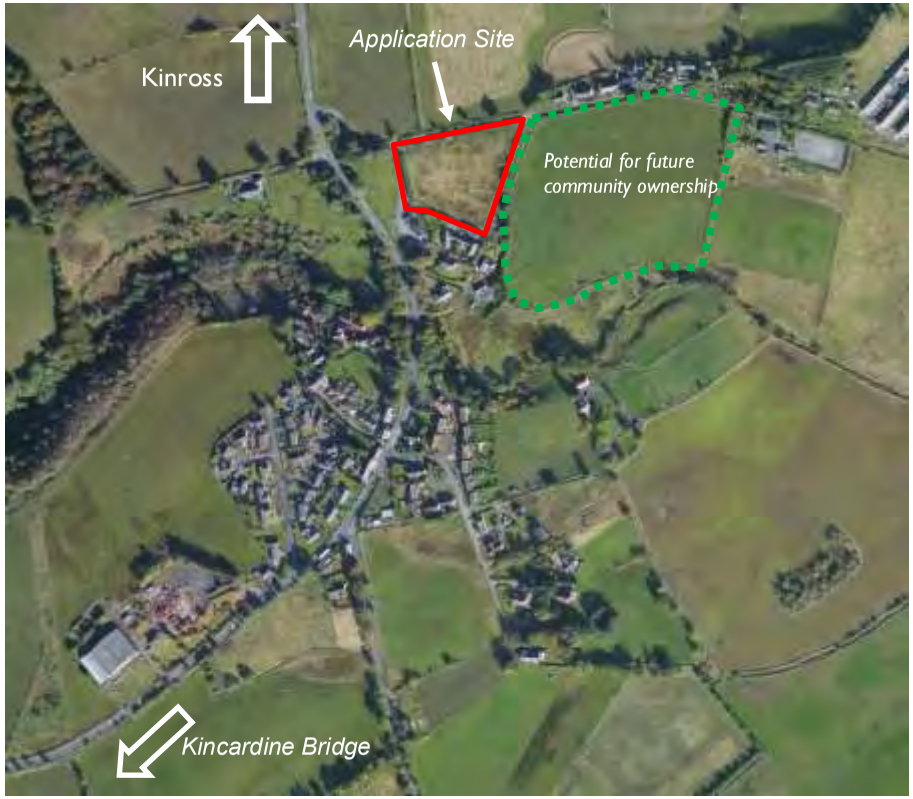
This statement has been prepared for Dilan Developments to assist with the Council's assessment of its proposal for residential development, including landscaping and open space, on land in his ownership at Powmill.

The site of the proposal adjoins the Powmill settlement boundary at its north end, on land to the south of Aldie Road (ZC494), which links the B9097 with the A977. The application site (in total 1.15 ha approx.) is formed from an unused and overgrown field and the Powmill East and West Steading access track.

The applicant's overall concept for the proposal is very much based on establishing a modest housing development to add to the housing mix in Powmill. The applicant believes that Powmill, as a small village with limited facilities, would benefit from this small development. It has the potential to bring new residents to join, and provide support, in the community without stretching its capabilities to accommodate development.

In addition, the applicant does not wish to retain ownership of the remaining land forming the large field and wishes to assure the community that it will not be retained for any future development aspiration. This land is available for transfer to community ownership, should this be welcomed locally.

The applicant is aware of the pro active Fossoway and District Community Council and local groups active in supporting the environment in this rural area. Passing this land, with a value of around £50K, to the community could provide many opportunities with potential for community woodland, recreational facilities or other land based initiatives. This land would be safeguarded for the community into the future.



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03 Planning History

The application site forms part of a considerably larger area of land submitted to the Council during the early preparation of LDP2, at the Call for Sites (in early 2015). That proposal related to a large site of approx. 6ha including the current site, large field to its east and the Milk Bar site to its west. That proposal was for an extensive mixed use development over the 6 ha site, promoted as an opportunity to replace the allocated sites in the LDP settlement plan for Powmill, for housing and business, and which were both still undeveloped. (The larger site had also been under consideration in the preparation of LDP1). The LDP2 Appendix 'Table of Pre MIR Sites and Reasons for not being taken forward' included that the proposal was 'not in accordance with TAYplan spatial strategy, no need for additional housing land'. The response also included that the scale was considered inappropriate, site conspicuous, detracts from linear form and could dominate the village. It concluded that the '*Preferred strategy is to support the brownfield development of the Gartwhinzean Hotel and steading which has planning permission until 31st March 2016*'.

The proposal was not taken forward into the Main Issues Report and the existing two sites from the LDP were carried forward. However, the current applicant and landowner of the site, (excluding the Milk Bar area) had taken cognisance of the comments made following the Call for Sites and had significantly rethought the earlier proposal. Unfortunately, a representation was not submitted during the consultation on the Main Issues Report to the Proposed LDP2. The proposal was therefore not given further consideration by Council or subject to further public consultation.

Powmill summary
Proposal for a mixed use development on a 6 hectare site between Aldi road and A977 (Powmill 1) with energy centre, farm shop, crèche, business hub, equestrian centre, assisted living and residential to replace the LDP designated H53 and E23 sites.

Previous proposal for large site as submitted to LDP2 Call for Sites (red hatching) overlain with current proposal

Current proposed site

Potential for future community ownership

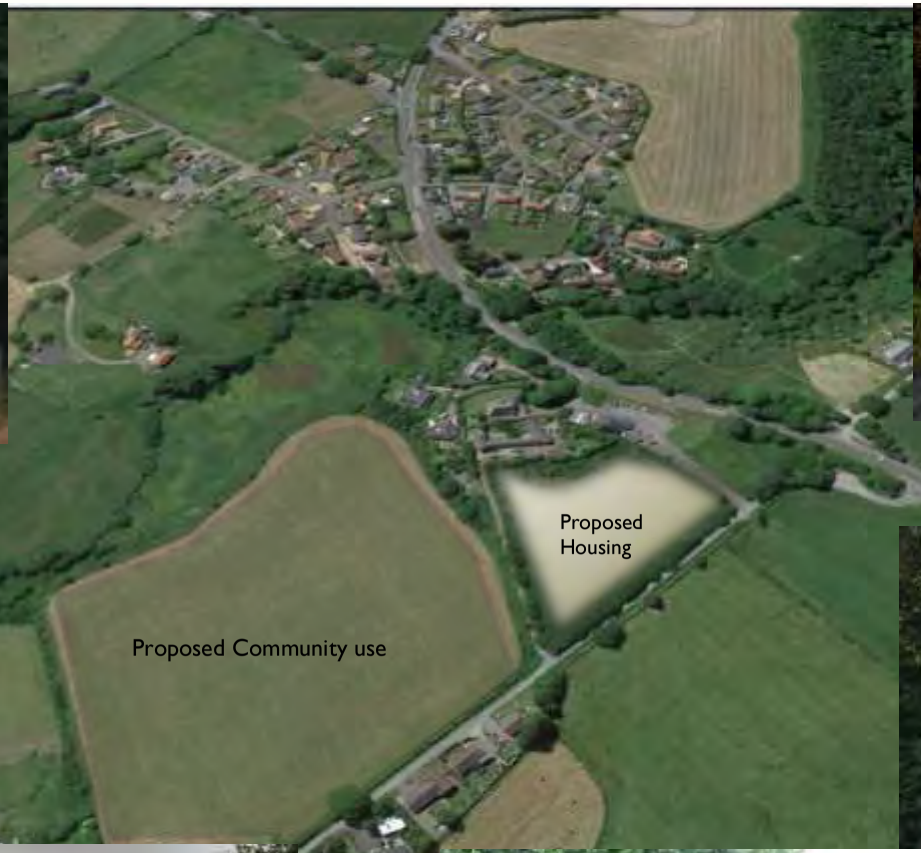
03 Planning History

The applicant made a representation during consultation on the Proposed LDP2, concluding in early 2018, addressing the comments previously made by dramatically reducing the size of the site, using only the area very well contained by existing landform and respecting the linear form of Powmill.

In responding to the proposal the Council, in assessing the site, had no strong reasons for excluding it in terms of detailed planning considerations, and recognised that the site had considerable merit. The Council's comments concluded only that '*it would be inappropriate to include this suggested site at this stage*'.

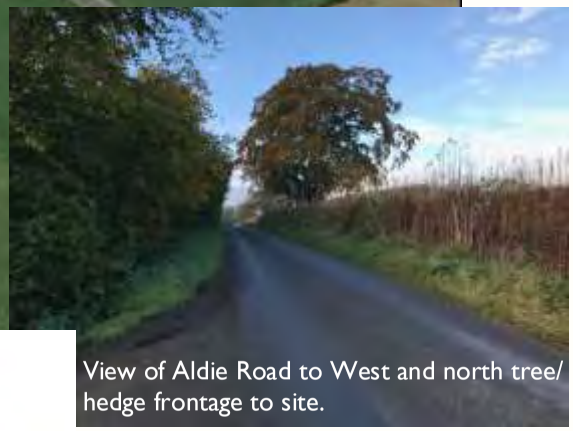
In the Report of the Examination into LDP2 the Reporter concluded that the acceptability of the site in principle relied on the possibility of the other allocated sites coming forward. However, again, the Reporter had no particular reasons to dismiss the site, other than that there was an existing allocated site within the settlement boundary of Powmill. The Reporter noted that the Aldie Road and track leading to Powmill Farm steading '*would constitute strong settlement boundaries*'. The Reporter also noted that the site has fewer constraints to development that H53 *(the existing allocated site)*, especially with regard to land contamination.

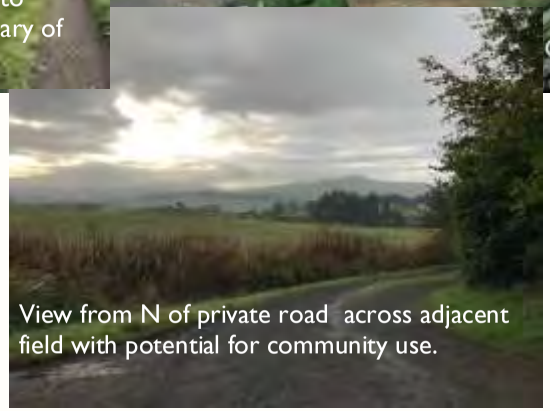
View across site from NW corner

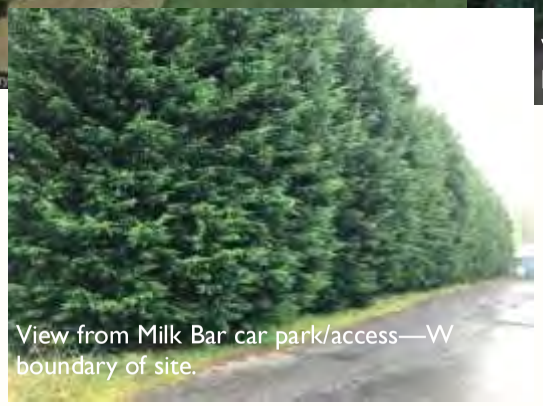


View along Aldie Road to E from junction of access with housing group to E.

View to N along private road to Powmill Steading and E boundary of proposed housing area


View of Aldie Road to West and north tree/ hedge frontage to site.


View from N of private road across adjacent field with potential for community use.


View from Milk Bar car park/access—W boundary of site.

04 Proposal

The application proposes, in principle, the erection of 12 dwelling houses with associated garden ground, landscaping, open space and access. It is proposed that these will be detached dwelling houses with large plot sizes. The site will provide significant opportunity for a well designed new housing cluster within an enhanced landscape setting. The topography of the site provides an opportunity for creative and innovative layout, maximising the benefits of the south facing slope.

A layout can create a new active frontage on to Aldie Road, and strong settlement boundaries, reflecting the frontage of the housing group along Aldie Road to the north east. The site is sufficiently large to allow for considerable separation from the houses at the Steading and the businesses at the Milk Bar, ensuring amenity for new and proposed residents.

The proposal will include the management and enhancement of the existing trees/hedging on site, along with additional planting, to create a well contained development providing an attractive entrance to the village on Aldie Road. There may also be opportunity to improve the visual amenity of the tall conifer hedge boundary, adjacent to the Milk Bar. Open space forming a green corridor from the west to east through the site will provide green infrastructure links through to the Burn and there may be opportunity to enhance blue infrastructure in relation to the existing drainage on the site.

Potential house types are submitted, illustrating contemporary homes reflecting local traditional rural buildings in terms of form, scale and materials. A future application including a mix of these house types will allow for the creation of an interesting small, attractive and high quality addition to the housing mix in Powmill.

Location Plan
(not to scale)

North
West Steading
East Steading
Arthur Stone Planning & Architectural Design
Proposed Residential Development on Land to the North of Pownill.
Indicative Site Layout Plan

Indicative House Type 1—Elevations

Front elevation

Rear elevation

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Indicative House Type 1—Floor Plan

Not to scale

Indicative House Type 2—Elevations

Front elevation

Rear elevation

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Indicative House Type 2—Floor Plan

Not to scale

Indicative House Type 3—Elevations

Front elevation

Rear elevation

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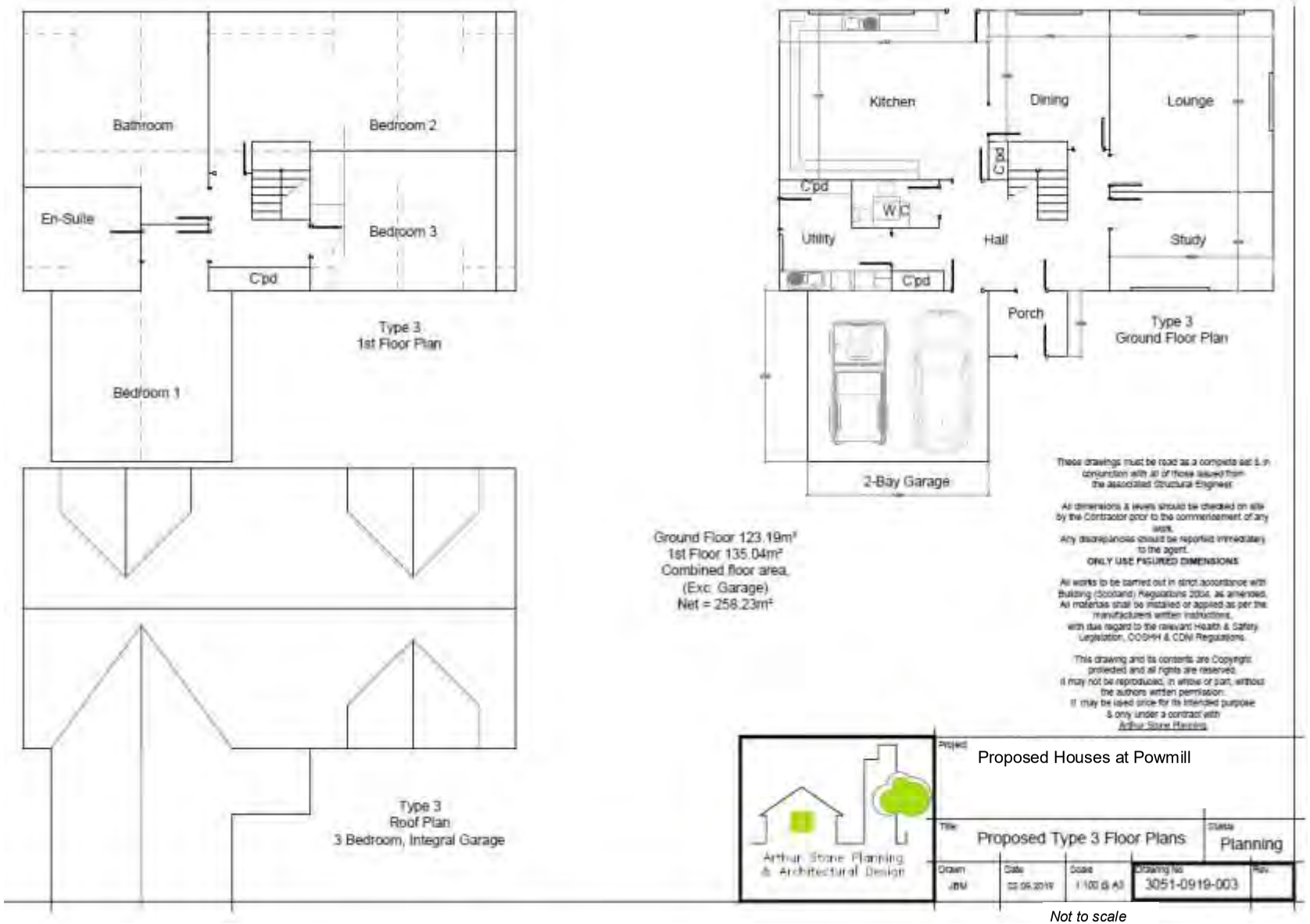
Indicative House Type 3—Floor Plan



Not to scale

05 Principle of Development

The Development Plan which applies to this site is the Approved TAYplan Strategic Development Plan 2016—2036 (2017) and the Adopted Perth & Kinross Local Development Plan 2014. We note that on 25th September 2019 the Perth and Kinross Planning Authority agreed its intention to adopt the Local Development Plan 2: Proposed Plan (as modified) 2019 following its examination. The Council formally notified the Scottish Ministers of its intention to adopt the Plan (as modified) and intended to formally adopt the Plan on 31st October 2019. Scottish Ministers have decided to extend the period for consideration of the LDP and the Council may not now adopt the Plan before 29th November 2019. Perth & Kinross Council's adopted supplementary guidance (and draft guidance) is also a consideration in the assessment of this proposal.

Scottish Planning Policy (SPP) (2014) is the Scottish Ministers' policy statement on how nationally important land use planning matters should be addressed across Scotland. The Town and Country Planning (Scotland) 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. SPP is a statement of Scottish Ministers' priorities and its content is a material consideration carrying significant weight.

TAYplan Policy 1: Location Priorities (C) Outside of Principal Settlements includes that '*Local Development Plans may also provide for some development in settlements that are not defined as principal settlements (Policy 1A). This is provided that it can be accommodated and supported by the settlement, and in the countryside; that the development genuinely contributes to the outcomes of this Plan; and, it meets specific local needs or does not undermine regeneration of the cities of respective settlement.*'

The proposal site abuts the Powmill settlement boundary, lying within the 'countryside' policy area as identified in the Adopted Local Development Plan and Local Development Plan 2: Proposed Plan (as modified) 2019.

Local Development Plan Policy PM4: Settlement Boundaries indicates that for settlements defined by a boundary (as is the case with Powmill) development will only be permitted within the settlement boundary.

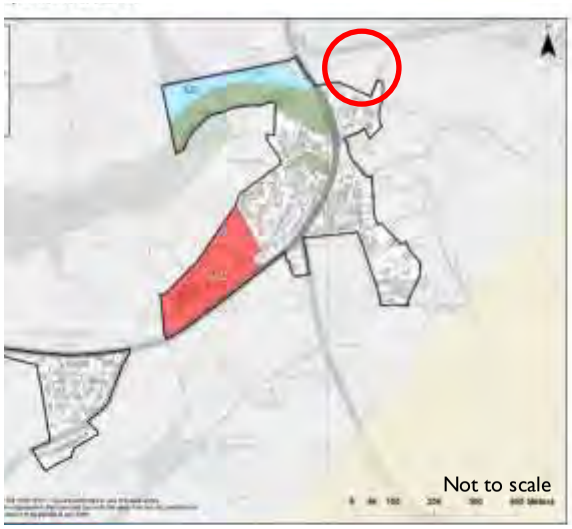
The Proposed LDP includes differing policies, allowing for development in certain cases out with settlement boundaries and addressing the Council's position on maintaining an effective housing land supply.

Proposed LDP Policy 6: Settlement Boundaries allows for development abutting a settlement boundary if one of three criteria are met. One of these, criterion (c), is that the proposal is '*required to address a shortfall in housing land supply in line with Policy 24: Maintaining an Effective Housing Land Supply*'. In all cases proposals must comply with criterion (d) in that there should be no adverse effects, either individually or in combination, on the integrity of a European designated site(s).

The Reporter in the Examination of the Proposed Plan identifies that there will not be a shortfall in the Kinross Housing Market Area, with the identified allocated sites coming forward. However, it is also acknowledged that 10% of the housing land requirement will come from 'windfall' sites, unallocated in the Plan. The Plan therefore puts considerable importance on the opportunity created by windfall sites to achieve the maintenance of an effective housing land supply. Further, we believe that the Gartwinzean H53 allocated site in not effective and will not provide sufficient housing land to meet the Council's requirement within a 5 year period.

Proposal Site

Extract from Adopted LDP—
Powmill Settlement Statement



Extract from Proposed LDP2—
Powmill Settlement Statement

Proposed LDP2 Policy 24: Maintaining an Effective Housing Land Supply underlines the Council's commitment to maintaining the housing land supply at all times. The policy allows for unallocated sites to be considered for development where it can be demonstrated that sites within the housing land audit cannot come forward. The policy indicates that such proposals will be assessed in terms of 5 criteria:

(a) *The locational priorities set out in TAYplan Policy 1*

(b) *Impact on the delivery of existing committed sites (TAYplan Policy 4f)*

(c) *Whether any additional infrastructure requirements arising from the proposal is already committed, has a commitment to funding from the infrastructure provider, or will be funded by the developer.*

(d) *It can be demonstrated that the proposal will contribute to meeting the identified shortfall by delivering completions within five years.*

(e) *It can be demonstrated that the proposal is able to bring forward both private and affordable housing.*

We believe that this proposal is supported by the above policy and that it is compliant with the relevant criteria.

We recognise that the up to date status of development land in Powmill identifies land for housing on the allocated Gartwinzean site (H53) allocated site. However, the applicant believes that there is considerable evidence to indicate that this site is not effective and will not provide sufficient housing land to meet the Council's requirement within a 5 year period.

The site currently included in the **Proposed LDP2 2019** H53 Garwhinzean replicates that included in the **Adopted LDP 2014.** The **Kinross Area Local Plan 2004** identified part of the H53 site (a greenfield site H21 for 11 units lying between the former Gartwhinzean Hotel and the edge of the housing at Mill Lane.

The current H53 site, as allocated in the **Proposed LDP2 2019** comprises the site of the former Gartwhinzean hotel, Gartwhinzean farm house and steading buildings and a further area of greenfield agricultural land extending to the west. This site has substantial planning history over a period of years, with no resultant development on the site. The site has been included in the Council's Housing Land Audit since 2001.

Application 06/01974/FUL for 'Demolition of existing farm buildings and house and formation of 12 plots for dwelling houses' was approved in January 2008, with the applicant Cocklaw Developments. Application 13/00130/FLL was approved, modifying this consent to extend the time period for commencing development for a further three years until 2016. The Handling Report for that application included that *'A five year extension of time has been requested however it is only appropriate to grant a maximum of a further three years which is now standard on applications. It should also be noted that consent is unlikely to be approved for any further application to extend the time scale in this manner. I therefore recommended that condition 1 be varied to extend the period of time granted for a further three years.'* There has been no application made for the redevelopment of the hotel part of the overall site. We note that Cocklaw Developments is an insolvent company and was in the hands of the Receivers in 2015. The Receivers' Report, published in 2016, identified the Gartwhinzean site as one of the assets of the Company and it was subsequently marketed. Perth and Kinross Council's Housing Land Audit 2018 shows that the information it holds for the developer of the site is Thomson Homes.

The Gartwhinzean site has been identified as part of the housing land supply for almost 20 years, with no development forthcoming. It would appear that there is **no developer commitment** to this site (H53 in the Proposed LDP2) and the site, although allocated, should **not** be considered to form part of the effective housing land supply. Thomson Homes does not appear to be an active housebuilding company in recent times. No submission was made during the preparation of LDP2 to promote the Gartwhinzean (H53) site, particularly important given that its planning consent had lapsed during the Plan preparation period and therefore its inclusion in the forthcoming LDP2 was not necessarily assured. We suggest that any serious developer of the site would have had more active involvement in promoting the site, even during the final stages of the Plan preparation. There appears to be significant pointers to the site being non effective, particularly in relation to marketing, ownership, deficit funding and programming constraints. The contamination of the site is a further significant constraint to the development of the site.

It is of note that the allocated sites in Powmill were not subject to Strategic Environmental Assessment during the preparation of LDP2.

The Reporter, in the Examination of the Proposed LDP2, appeared to have erred towards retaining H53 (rather than including the proposed site for this application, referred to as H370 in the Examination) on the basis that *'However, despite planning permission for development on H53 having expired, I have seen nothing to suggest that it is incapable of providing energy efficient, affordable housing of the kind proposed for H370. Moreover, H53 is already inside the settlement boundary, where Policy 6: Settlement Boundaries expects development to be contained.*

In conclusion, we contend that the proposal site should be supported as an opportunity to maintain an effective housing land supply in the Kinross area. The site, in the Reporter's previous consideration, has been considered to be a suitable as an extension to Powmill. The existing sites in Powmill, for housing and housing/business are both allocated, with previous planning consent, and with no resultant development. These sites were not subject to Strategic Environmental Assessment (SEA) during the LDP2 preparation and unfortunately this application site was not included in the Plan preparation and was therefore also not subject to SEA. The site has been given favourable consideration in comments by the Council and Reporter, when submitted as a representation to the Proposed LDP2 and there is a likelihood that it would have scored more highly than the allocated site in the SEA.

This application site is **'effective'** in that is **free from infrastructure, marketing, ownership, physical, contamination, deficit funding, land use or programming constraints** as set out by the Scottish Government in PAN 2/2010 Affordable Housing and Housing Land Audits. This site is capable of delivering homes within the next 5 years and there are no anticipated constraints to development.

The site is in the ownership of the applicant, Dilan Developments, a local developer, with a successful record of completing high quality housing developments in the Kinross area (mostly under the Halcyon Homes banner). These have included new build housing developments in:

- Croft Wynd and Morton Wynd, Milnathort
- Burleigh Castle Stackyard, Milnathort
- Bowton Road, Kinross

and residential redevelopment of steadings at

- Powmill (adjacent to the application site)
- Burleigh Castle
- Carsegour and
- Cockcairney.

The approval of this modest proposal will not constrain the opportunity for the Gartwhinzean site to come forward at any time in the future, given it is brownfield and within the settlement boundary. The approval of this current application site can contribute to the Council's housing land supply to be achieved through windfall development.

Placemaking

Adopted Local Development Plan **Policy PM1A: Placemaking** (Proposed LDP2 Policy 1: Placemaking, Policy 1A) requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B: Placemaking (Proposed LDP2 Policy 1: Placemaking, Policy 1B) lists the eight detailed criteria to be met by all development proposals. Several of these criteria are most relevant to a detailed application. In terms of this proposal, of particular relevance are:

(a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.

(b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.

(d) Respect an existing building line where appropriate or establish one where none exists….

(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.

(h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

The draft Supplementary Guidance on Placemaking, in providing guidance on meeting the criteria, sets out four key areas to '*research and respond to in the Placemaking process: Environmental considerations, Built context, Social Issues and Access & Permeability*'.

These key areas have been referred to in the content of the following pages.

Housing site viewed from west on Aldie Road, beyond field in grazing (available to the community) and tree line

Settlement Form

Powmill is a village which has grown from a dispersed grouping of farm steadings, houses and other rural buildings into a small linear settlement alongside the A977. Much of the village is modern housing, set back from the main road. Gartwhinzean Feus, a predominantly modern housing area lies separate from Powmill. To the south of Powmill is the brownfield site of the former Gartwhinzean Hotel and Garwhinzean Farmhouse and steading.

The proposal would add to the existing cluster of 6 houses on sites at Powmill Farm and Steading and the Milk Bar businesses, lying to the north end of the village and separated visually by the valley of the Gairney Burn. This current proposal extends that cluster into an exceptionally well contained site which, in other circumstances, would meet with the Council's guidance in terms of the development of new housing in the countryside. This application site would site comfortably on the land to the NE within the well contained area of land between Aldie Road and the private road to the E and W Steading. This provides a natural conclusion to the village and opportunities for an enhanced sense of arrival into the community. The allocated employment/housing site to the west of the A977 (ZC494) (in Proposed LDP2) would extend the settlement along the track to the west of the A977, and this current application provides a balance to that area of proposed development.

Residential Amenity

The topography and orientation of the site provide an excellent opportunity to make optimum use of site layout and design to achieve maximise solar gain and daylight for each of the properties. Future detailed layout and design would ensure that there were no issues of overshadowing of adjacent properties and that, with appropriate traditional boundary treatments, each has sufficient garden ground and inherent privacy. The site provides sufficient space for each property to have appropriate plot ratio and garden ground, appropriate to a rural location along with access to open space and the community land. The development of the site will have no adverse impact on the amenity of the nearest neighbour, at Powmill Milk Bar or Powmill Steading. Overall, we contend that the proposal can fully comply with the amenity considerations contained within the **Local Development Plan policy PMB1: Placemaking** and the related Placemaking supplementary guidance.

Natural Heritage

LDP Policies **NE2 (NE2A and NE2B): Forestry, Woodland and Trees (**Proposed LDP2 policies 38A: Forest and Woodland Strategy, 38B: Trees, Woodland and Development) provide support to proposals which meet with several criteria, including proposals which protect existing trees and woodland, especially those with high natural, historic and cultural heritage value and where new woodland planting is promoted.

With LDP Policy **NE3: Biodiversity (**Proposed LDP2 Policy 39: Biodiversity), the council seeks to protect and enhance wildlife and habitats, both designated or otherwise. Policy **NE4: Green Infrastructure** (Proposed LDP2 Policy 40: Green Infrastructure) requires all new development to contribute to the creation protection, enhancement and management of green infrastructure, with several criteria to be met.

Woodland and Trees

The trees and hedging surrounding the site provide excellent containment and with appropriate management will be retained and enhanced to complement the setting of the development and the settlement edge of Powmill. The trees/hedging will continue to provide wildlife habitat and a green corridor as part of the wider network.

Site and species protection

The site is not covered by any nature conservation designation. The nearest area with protected status is the Devon Gorge SSSI, with the Gairney Burn flowing through. The application site is 500m from the closest point of the SSSI. It is unlikely that this proposal will be significant in terms of any pressure on the features which form the special interest of this designation. We do not believe that the proposal will have any impact on species protection.

Habitat, shelter, green infrastructure and network connections

The site is set within a wider agricultural landscape, with significant woodland in the surrounding area creating a wider habitat network. There is a valuable opportunity for this proposal to contribute to the enhancement of this network with future landscaping proposals and SUDS design, at a detailed application stage, able to provide enhanced habitat linkages to the wider area. The inclusion of a sizeable area of the field to the east of the access track within the site, solely to provide SUDS and open space/landscaping, will increase the biodiversity of this agricultural land and make a significant contribution to the enhancement of green infrastructure in Powmill and its surrounding area.

We believe that the proposal can gain support in terms of the LDP (and Proposed LDP2) policies which address woodland, trees, biodiversity and green infrastructure.

Flooding and Drainage

LDP Policy **EP2: New Development and Flooding** (and LDP2 **Policy 52: New Development and Flooding**) resist proposals on land where there is a significant probability of flooding or where the proposal would increase the probability of flooding elsewhere.

LDP Policy **EP3 Water Environment and Drainage—EP3B: Foul Drainage** and **EP3C: Surface Water Drainage** (Proposed LDP **Policy 51A: Water Environment, 51B: Foul Drainage, 51C Surface Water Drainage**) set out the Council's requirements to connect to the public sewer where available and to use Sustainable Urban Drainage Systems (SUDS) measures.

The SEPA Flood Maps show that the site is at no risk from river or surface water flooding.

The proposed development will be served by the public waste water system serving Powmill unless sufficient capacity is constrained. Otherwise, private treatment infrastructure will be installed. Surface water drainage will be dealt with through SUDS principles.

It is anticipated that the proposal will be assessed as fully compliant with the terms of the relevant Policies and Guidance and will not require a flood study.

Affordable Housing

LDP Policy RD4: Affordable Housing (and **Proposed LDP2 Policy 20: Affordable Housing**) requires that '*Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed.*' The Council's Developer Contributions and Affordable Housing Supplementary Guidance (2016) sets out the potential mechanisms for implementing this policy.

This site, shown with an indicative capacity of 12 units will provide for a significant contribution to affordable housing, potentially equivalent to 3 units. We understand that as an 'in principle' application the Council will attach a condition to any consent to secure an affordable housing contribution at a detailed application stage.

Infrastructure Impact

In line with **LDP Policy PM3: Infrastructure Contributions** (and **Proposed LDP2 Policy 5: Infrastructure Contributions)** the applicant recognises that securing planning permission relies on the provision of the required infrastructure provision or community facilities to address the long term effect of the development, capacity issues and future demand and contributing to sustainable development. The Council's Supplementary Guidance (2016) explains how developer contributions will be achieved, with specific contributions sought, where relevant, for Primary Education and Transport Infrastructure.

The Council's current Developer Contributions and Affordable Housing Supplementary Guidance (2016) indicates that in the case of this proposal financial contributions are not required towards the cost of delivering Education Infrastructure and Transport Infrastructure, but the proposal will contribute to the provision of Affordable Housing.

Education—The proposal site lies within the catchment of Fossoway Primary School—(Kinross High School catchment) and the Supplementary Guidance indicates that there is no specific capacity issue to address.

Transport—In terms of Transport Infrastructure, the site does not lie in the area where a public transport fund contribution is required.

We understand that in terms of this 'in principle' application the Council will attach a condition to any consent to secure any contribution required at the time of a future application, red in line with the Supplementary Guidance.

Community Facilities—The land adjacent to the application site is available for transfer to community ownership, should this be welcomed by the local community. It could provide various opportunities for community use, including the creation of community woodland, recreational facilities or other land based initiatives.

Transport and Access

Local Development Plan policy **TA1B Transport Standards and Accessibility Requirements—New Development Proposals** states that *'All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, in addition to cars.'* The Proposed LDP2 **Policy 60 Transport Standards and Accessibility Requirements, B: New Development Proposals** is similarly worded, with some additional promotion of a shift to the more sustainable modes of travel of walking, cycling and public transport.

There are many opportunities for active travel to and from this site. The local network of Core Paths is immediately accessible with the A977 footway from Gartwhinzean Feus running through Powmill and Crook of Devon to Drum and linking into the wider active travel network, extensive in this area and actively supported and developed by the Fossoway Access Amenity Group. The proposed site is close to the proposed path creation from Crook of Devon to Kinross Long Distance Route, a national development identified in the Scottish Government's NPF3 (2014). Aldie Road (ZC494) running to the north of the site is signposted as a 'walking and cycling friendly' route.

The proposed site, located to the north of Powmill, is the closest part of the village to the available public transport, with bus stops on the A977 at Rumbling Bridge (Stagecoach 23 Stirling-Kinross route), providing further linkages into the wider central Scotland public transport network.

Source: PKC Interactive Core Path mapping

Rights of Way

Core Paths

Site

Travel from the site by car provides quick and direct access to main public transport hubs along with access to the main central Scotland road network with the M90 at Kinross within 10km to the east and the upper Forth bridges within 15km to the south west.

The access point to the site is proposed to be taken from the private access road (in the ownership of the applicant) leading from Aldie Road (the ZC494) to the dwelling houses at Powmill Steading. Access to the site can be taken through an existing overgrown gap in the hedge/tree line bounding the site, enabling this feature to be maintained and enhanced as the village edge. The junction of the access road with the ZC494 provides good visibility with the potential for this road and junction to be upgraded, as may be required, to meet the Council's roads standards.

Visibility to west

Visibility to east

Private road to Powmill Steading bounded to west by hedge and standard trees. Access can be taken through overgrown gap.

11 Conclusion

- The site is well located in terms of the settlement form of Powmill, well contained and provides an opportunity for enhancement of a future strong settlement edge.

- The site provides a high quality environment for future residents and provides an effective site, enabling a small number of houses to come forward within Powmill within the next 5 years, where there otherwise has been no development on long time allocated sites.

- The proposal can provide community benefit through transfer of surplus land.

- New residents may be local people seeking to stay in their own community or occupiers may be new economically active residents moving into the community, supporting local facilities and businesses and engaging with the wider community.

- The proposal will not impact adversely on any natural heritage sites and detailed proposals for the site will fully address green and blue infrastructure to benefit the overall biodiversity of the area.

- Infrastructure will be provided to meet the needs of the development and will ensure that there will be no adverse impacts in terms of road safety or in relation to other facilities.

- This proposal for a small number of homes will have no impact on the strategy for future development in Powmill and the wider Fossoway and Kinross area, as set out in the Development Plan. It will provide well located and sought after homes, supporting the local community in the absence of any other mainstream housing development.

- Overall, the proposal is supported by the Scottish Government's presumption in favour of sustainable development.

With respect, the applicant seeks the support of Perth and Kinross Council in the approval of this planning application.

LRB-2020-09 – 19/01881/IPL - Residential development (in principle), land 80 metres north east of Powmill Milk Bar, Powmill

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/01881/IPL	**Comments provided by**	Euan McLaughlin
Service/Section	Strategy & Policy	**Contact Details**	**Development Negotiations Officer:** Euan McLaughlin [redacted]
Description of Proposal	Residential development (in principle)		
Address of site	Land 80 Metres North East Of Powmill Milk Bar, Powmill		
Comments on the proposal	**Affordable Housing** With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing. The application proposes 12 dwelling houses, which would mean that the Affordable Housing Policy would apply. **Primary Education** With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Fossoway Primary School.		
Recommended planning condition(s)	**Affordable Housing** **CO02** The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014 or such replacement Guidance and Policy which may replace these. **RCO00** Reason – To ensure that the development approved makes a contribution towards provision of affordable housing, in accordance with Development Plan Policy and Supplementary Guidance.		

	Primary Education **CO01** The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these. **RCO00** Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.
Recommended informative(s) for applicant	N/A
Date comments returned	04 December 2019

4th December 2019

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

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

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

Dear Local Planner

KY13 Powmill Of Powmill Milk Bar Land 80 Metres No
PLANNING APPLICATION NUMBER: 19/01881/IPL
OUR REFERENCE: 785811
PROPOSAL: Residential development (in principle)

Please quote our reference in all future correspondence

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

Water

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

Foul

- This proposed development will be serviced by Powmill Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link **https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network**

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

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

  Site Investigation Services (UK) Ltd
  Tel: 0333 123 1223
  Email: sw@sisplan.co.uk
  www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- **Please find all of our application forms on our website at the following link https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network**

Next Steps:

- **Single Property/Less than 10 dwellings**

  For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

  For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

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

- **Trade Effluent Discharge from Non Dom Property:**
  Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

  If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h

  Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

  For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison
[redacted]

Tracy McManamon

From: Kevin Borthwick [redacted]
Sent: 11 December 2019 17:48
To: Development Management - Generic Email Account
Subject: Objection to Planning Application 19/01881/IPL Residential development (in principle) Land 80 metres North East of Powmill Milk Bar Powmill

ENTERED IN COMPUTER
12 DEC 2019

[redacted]

Objection to Planning Application 19/01881/IPL Residential development (in principle) Land 80 metres North East of Powmill Milk Bar Powmill

Dear Sir/Madam

For the following reasons we are notifying you of our **objection** *to the above planning application.*

1. The proposed site is out-with, but adjacent to the existing settlement boundary of Powmill. This boundary was recently adopted in the local development plan (LDP).
   There is also ample allocation already within the boundary of Powmill. Site H53 has a housing capacity range between 46 and 73 properties, although limited to 30 during the lifetime of the current plan, meaning the requirement for new housing is well and truly covered. It falls foul of LDP Policy 6, and TAYplan Policy 1.
   This site was evaluated in the Main Issues Report (MIR) and was NOT included as it was "Not in accordance with TAYplan spatial strategy". Also the independent Examination Report of the LDP said. "With previous objections in mind, and the TAYplan strategy of directing development to the larger settlements, it would be inappropriate to include this suggested site at this stage. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area and on the basis of my reasoning above, I conclude that the allocation of H370 (land covered by this planning application) for residential development is not currently justified."

2. Access to the site is by way of a T-Junction onto a single lane dirt track, and then onto another T-Junction onto a single track road (Aldie Road), which has been designated as "walking a cycling friendly". This junction is in a dip in the road, and has extremely poor sight lines making exiting the site very dangerous and unsafe. The additional traffic from 12 large houses would be unacceptable, and a risk to public safety, on an already too busy road which is used as a short-cut (rat-run) between the A977 and the B9097. This contravenes LDP Policy 1.

3. There is no public sewage system adjacent to the site, and the existing works sits to the south on the opposite side of the Gairney Burn. The existing properties on the north side of the burn have their own private system, which is at capacity.

4. The site will be affected by flooding as noted in the SEA report. The site is on a steep gradient rising from the south to the north, and as the area is already susceptible to flooding and saturated ground, development would mean an increase in surface water raising the risk of flooding the steading properties below. Contravening LDP Policy 52

5. Bedrooms from the proposed properties would over-look the existing properties to the south, resulting in a loss of privacy, and a loss of skyline. The Applicant also suggests, if the proposal is accepted, that the large field to the East of the site, could be handed over to the community and be developed as community space or woodland. Creating a wooded area, would mean loss of amenity and skyline for the residents along Aldie Road. Also it would not safeguard the tranquillity of the area. Contravening LDP Policy 39. Offering this site to the community would seem to be a sweetener to attempt to get the Community Council on side.

6. The applicant suggests in his "Supporting Planning Statement", that there is provision for affordable housing. Based on the size of the proposed properties, we cannot see how any of these can be classed as affordable.

In conclusion the "Supporting Planning Statement" seems to suggest that the adopted LDP, and TAYplan proposals for Powmill and the Kinross area, are not fit for purpose, and that the time spent during consultation, review, and examination of the MIR, and the LDP has been a total waste of Council time and money, as they have attempted to contradict everything in it to suit their own means. It is also quite clear from the new LDP that there is already adequate provision for housing in the Kinross area over the duration of the current plan, and that no additional housing is required.
This site has continually been rejected by previous Main Issues Reports and previous Local Development Plans, but despite this, the applicant continues to pursue development, constantly trying to wear down the community objection to gain approval.

For the reasons stated above, we **object** to this Planning application.

Regards
Kevin & Katrina Borthwick.

[redacted]

[redacted]

11th December 2019

Ref. Planning Application 19/01881/IPL

Dear Sir/Madam

We are writing in objection to the above planning application. Our reasons for objection are because this application is in direct contravention of many of the LDP2 policies:

Policy 1a
"The development **must** contribute positively to the surrounding buildings and the natural environment"

This development is out-with the village boundary. The development sits on an elevated site which when viewed from the north would dominate not only the houses nearest but the whole village. TAYplan 2017 Policy 1c states that 'proposals for development in the countryside should be assessed against the need to avoid suburbanisation of the countryside'. This proposal would create a suburban amenity to Powmill village, which boasts a rural community. This is agricultural land and is home to a multitude of wildlife including foxes and Red Kites. The farm access track is one of the remaining old drovers roads with mature hedgerows.

"The design, density and siting of the development should respect the character and amenity of the place and should create and improve links with and where practical beyond the site."

This application fails on all aspects of this statement. The design is out of context with the adjoining properties. The density is also out of context with the adjoining properties and is an ambitious attempt to shoehorn in many houses in to a small area. The site is on the highest ground in Powmill and is 10-15m above the neighbouring Steading. It would dominate and substantially alter the character and amenity of the village. Links to the site will be overburdened and another 12 houses would be expected to use a farm track and single track lane to gain access to the main road.

Policy 1b
"All proposals should meet **ALL** of the following criteria:

a) Safely accessible from surroundings
b) Respect the area
c) Compliment the design and density
d) Respect an appropriate building line or establish one where none exists
e) All buildings, streets, and spaces should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.

Points (a) to (c) have been countered in the paragraph above, however this application should be rejected, and not be considered now or again in the future, based on how it contravenes point (d). This application is outside the village boundary in LDP2. There is already a well-established building line comprising of the Steading land. This has always been the case and has been recommended over many years not only by previous Planning Committees, but also by Scottish Executive Reporters on previous planning applications (03/00860/FUL, 03/01814/FUL, 05/01296/FUL, 07/00555/FUL, SEIRU

P/PPA/340/502 and SEIRU P/PPA/349/344). Therefore, there is no reason to establish a new building line where one already exists. This application does not respect the existing boundary. On point (e), access to this site is from a single track road leading down a farm track which is unfit for construction and additional road users.

Policy 5
LDP2 Settlement Statement for Powmill comments that the local primary school, Fossoway has limited capacity to support further development. Blairingone Primary school closed last July consequently increasing the number of pupils attending Fossoway Primary School. Additionally, consideration must be made to allow for capacity for the development of site H53 which already lies in the settlement boundary and has had planning permission in the past.

Policy 6
"No suitable sites available in the settlement boundary"

A suitable site was made available years ago, H53 in LDP2 (former Gartwhinzean Hotel). This site is already within the settlement boundary and has had planning permission for up to 30 houses. It negates a need for this development.

Policy 15
This development would have a huge impact on the Aldie Road, which is a single track road. This is a designated walking, cycling and riding friendly road and is very popular for that purpose as it extends the Crook of Devon to Kinross walking route. The extra traffic would not only make it more hazardous to users, but would massively detract from the amenity of this facility.

Policy 52
At the very least a drainage impact assessment should be done as houses in the Powmill Farm development regularly suffer from flooding issues, principally from the field drains of the site.

Policy 55
Light from the properties and the street lights would be hugely obtrusive and intrusive to all the properties in the Powmill Farm development.

Policy 60
"Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:
(b) access to local bus routes with an appropriate frequency of service which involve walking no more than 400m are available"

There is currently no public transport service from Powmill and the bus stop in Rumbling Bridge is over 400m away and only has 5 services a day. Therefore public transport is not easily accessible.

Concluding remarks
Mr Kay makes reference on many occasions to his proposed site as a 'windfall' site. I would like to clarify that the definition of windfall sites in the LDP2 document is 'those sites which become unexpectedly available and are therefore not included as allocated land in the development plan. For example a bus depot may shutdown or industrial site become vacant which may provide a suitable location for housing.' This obviously means brownfield sites already in settlement boundaries. Mr Kay's proposed site is agricultural land outside of a settlement boundary.

In conclusion, it can be seen that this development falls well outside a large number of the LDP2 policies.

We believe that this site is unsuitable for any development and any future developments and we urge the Council to reject this application.

Yours sincerely,

Alex and Lynn Boulter.

[redacted]

Objection to Planning Application 19/01881/IPL Residential development (in principle) Land 80 metres North East of Powmill Milk Bar Powmill

Dear Sir/Madam

We are writing to register our objection to the above planning application on the following grounds: -

1. The proposed residential development is outside of the recently adopted (29th Nov 2019) settlement boundary as defined in Perth and Kinross Local Development Plan.

2. Inadequate access to the development site from the main road is a single-track road. The single-track road to Aldie, which has no footpaths, is extensively used by pedestrians, cyclists and horse riders and hence additional traffic generated would lead to road safety issues also the road is not designed for heavy construction traffic.

3. Lack of infrastructure as there is no public sewage system adjacent to this site. The existing Powmill Waste Water Treatment Works sits South of the Gairney Burn. Properties adjacent to the proposed development have a private sewage system for this reason

4. Development of the site will lead to a loss of natural habitat which will have an adverse impact on wildlife that currently visits and nests on the site.

[redacted]

6. It is for these reasons that we object to the Planning Application **19/01881/IPL**

Many thanks

Wilma

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Tracy McManamon

From:	Nicola Marchant [redacted]
Sent:	12 December 2019 17:33
To:	Development Management - Generic Email Account
Cc:	Fossoway.cc@gmail.com; Councillor Michael Barnacle; Councillor Callum Purves
Subject:	Objection to Planning Application 19/01881/IPL Residential development (in principle) Land 80 metres North East of Powmill Milk Bar Powmill
Attachments:	planning application final.docx

Dear Sir/Madam
Please find attached our letter of Objection to Planning Application 19/01881/IPL Residential development (in principle) Land 80 metres North East of Powmill Milk Bar Powmill. If you require any further information from us regarding our objections please do not hesitate in contacting us.
Please note that we will also post a signed copy of the letter to the Planning and Development Office.
Kind regards
Nicola and Trevor Marchant

ENTERED IN COMPUTER
13 DEC 2019

[redacted]

12th December 2019

[redacted]

Objection to Planning Application 19/01881/IPL Residential development (in principle) Land 80 metres North East of Powmill Milk Bar Powmill

Dear Sir/Madam

We are writing to register our objection to the above planning application on the following material grounds: -

Local, strategic, regional and national planning policies

1. The development as detailed in planning application **19/01881/IPL** is out with the Powmill settlement boundary as detailed in Perth and Kinross Council's (PKC) LDP2. It also contravenes the TAYplan's Policy 1 and PKC Policy 6 as there is already land designated for development within the Powmill settlement boundary. Development of the land defined in this planning application was considered as part of the preparation of PKC LDP2 but as stated in the Main Issues Report – Appendix 3 Table of Pre-MIR sites and reasons for not being taken forward. 'The proposal is not in accordance with TAYplan spatial strategy.'

Furthermore, the Independent Examination Report of LDP2 stated that 'With previous objections in mind, and the TAYplan strategy of directing development to the larger settlements, it would be inappropriate to include this suggested site at this stage. Given the provision of an adequate amount of land elsewhere to meet the strategic housing needs of the Kinross Housing Market Area and on the basis of my reasoning above, I conclude that the allocation of H370 (land covered by this planning application) for residential development is not currently justified.'

2. The proposed development does not safeguard the tranquil qualities of the areas landscape nor the relative wildness (PKC Policy 39). Due to the topography of the site housing in this rural location would dominate the entrance into Powmill village and change the character of the village leading to suburbanisation of the countryside. In addition, as the site sits above the traditional farm steading it will not conserve the experience of the night sky.

3. The proposed development area is likely to be affected by flooding issues as stated in the SEA report. Construction of houses could increase the rate of run-off water flooding the steadings below to the South of the site. Despite the two field drains in the proposed site there is already considerable run-off water which leads to saturated grounds and pooling of water in the farm steadings situated below the field intended for development. This contravenes PKC Policy 52.

4. Lack of infrastructure as there is no public sewage system adjacent to this site. The existing Powmill Wastewater Treatment Works sits South of the Gairney Burn. All properties North of the burn on the East side of the A977 have a private sewage system for this reason

Traffic

5. Difficulty in providing an appropriate access strategy to the proposed development and appropriate connections to the existing road network as there is only a single-track access route to the Aldie road which is itself single track. The Aldie road is designated as a walking and cycling friendly road and forms part of the Fossoway Cycle network and is regularly used by walkers and cyclists. The intended access to the site is at the bottom of a dip in the Aldie road which makes visibility difficult and hence is not safely accessible as required in PKC Policy 1.

Overlooking/loss of privacy

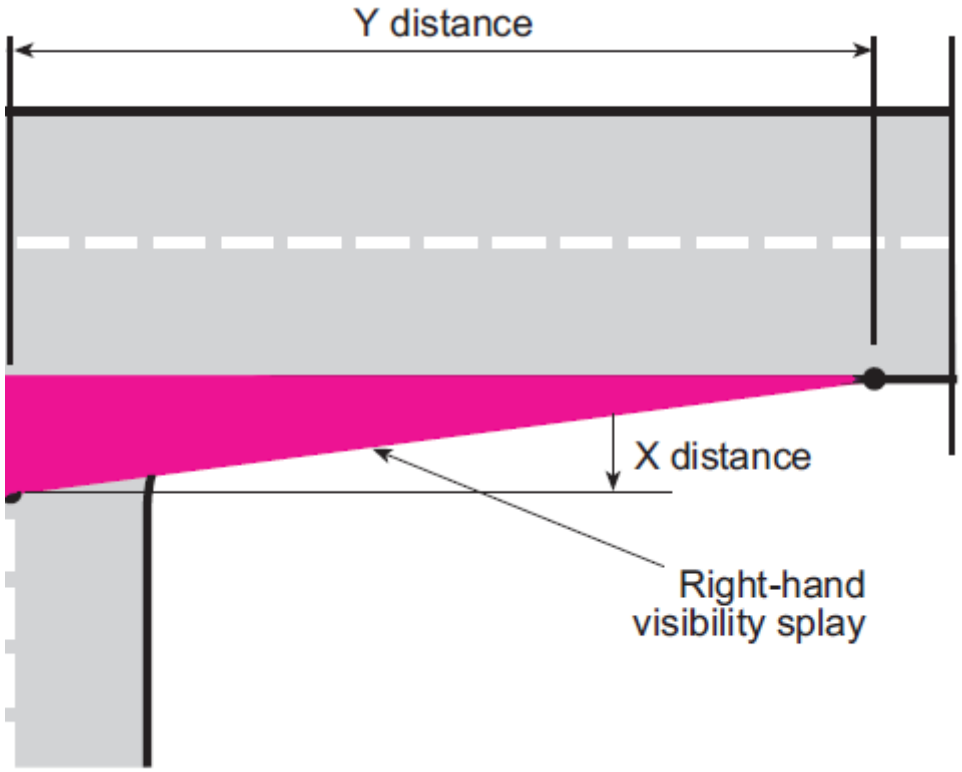
6. The topography of the site would lead to bedrooms in [redacted] being overlooked and a resulting loss of privacy.

It is for these material reasons that we object to the Planning Application **19/01881/IPL**

Yours faithfully

Nicola & Trevor Marchant

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/01881/IPL	**Comments provided by**	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	**Contact Details**	TransportPlanning@pkc.gov.uk
Description of Proposal	Residential development (in principle)		
Address of site	Land 80 Metres North East Of Powmill Milk Bar, Powmill		
Comments on the proposal	The applicant should consider the following when submitting a formal planning applications: • The number of car parking spaces being provided for the dwellinghouse is in accordance with The National Roads Development Guide. • A visibility splay from the junction proposed access must be provided to the left and right along the C494. The Y distance is 90m, the X distance is 2.4m and with a maximum height of anything within the splay of 1.05m, this will include the walls or shrubbery. The diagram below shows the area that needs to be clear for visibility on the right hand display, the same must be provided for the left  • A Type C junction access should be provided onto the C494, to allow space for two vehicles to pass, this should be a minimum width of 5.5m for a distance back of 15m • A Passing Place should be provided by the applicant between Powmill Milkbar and the proposed access, to allow vehicles to pass • Road widening should be provided between the Powmill Milkbar and the		

	A977 to prevent vehicle overrun, to be agreed with Perth & Kinross Council as planning authority • A footpath/footway with a minimum width of 2m should be provided from the development to the A977. This will allow residents and pupils to access school transport and local bus services. This will enhance active travel walking routes to/from bus services. • Hard Standing should be provided on the A977 close to the development on both sides of the road to allow residents to board and alight from bus services. Install dropped kerbs at suitable pedestrian crossing points at and opposite locations agreed with Perth & Kinross Council as planning authority. Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.
Recommended planning condition(s)	The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.
Recommended informative(s) for applicant	
Date comments returned	12 December 2019

[redacted]

13th December 2019

[redacted]

Objection to Planning Application 19/01881/IPL Residential development (in principle) Land 80 metres North East of Powmill Milk Bar Powmill

Dear Sir/Madam,

We are writing to register our objection to the above planning application on the following material grounds: -

Local, strategic, regional and national planning policies

1. The proposed development area is likely to be affected by flooding issues. The burn running down the side of the access road to the site passes multiple gardens including an underground tunnel and any additional flow volume will likely cause problems.

2. The development as detailed in planning application **19/01881/IPL** is out with the Powmill settlement boundary as detailed in Perth and Kinross Council's (PKC) LDP2. It also contravenes the TAYplan's Policy 1 and PKC Policy 6 as there is already land designated for development within the Powmill settlement boundary. Development of the land defined in this planning application was considered as part of the preparation of PKC LDP2 but as stated in the Main Issues Report – Appendix 3 Table of Pre-MIR sites and reasons for not being taken forward. 'The proposal is not in accordance with TAYplan spatial strategy.'

Overlooking/loss of privacy

3. The topography of the site would lead to properties in close proximity to the site being overlooked and a resulting loss of privacy.

4. It is not clear whether there is any desire from the community to accept /obtain the adjacent field that might be gifted. The proposed community field would back onto our garden. It is unclear exactly what the community field would be used for and therefore there is a concern re. privacy and sound pollution.

It is for these material reasons that we object to the Planning Application **19/01881/IPL**

Regards,

Jamie and Sarah Lindsay

Comments for Planning Application 19/01881/IPL

Application Summary
Application Number: 19/01881/IPL
Address: Land 80 Metres North East Of Powmill Milk Bar Powmill
Proposal: Residential development (in principle)
Case Officer: Sean Panton

Customer Details
Name: Mrs Sandra Lowson
Address: [redacted]

Comment Details
Commenter Type: Comment from Same Household
Stance: Customer objects to the Planning Application
Comment Reasons:
- Contrary to Development Plan Policy

Comment:Overall, I object to the application proposal for residential development within the above site. The proposed development is contrary to the Development Plan for this area (including the adopted TayPlan and the adopted Perth & Kinross Local Development Plan 2 (LDP) and the applicant has not provided any material considerations that outweigh a determination in line with the Development Plan. Accordingly, I respectfully request that the application is refused by PKC.
Reasons for Objection:
1. The proposed development does not comply with the spatial strategy within both TayPlan and the adopted Local Development Plan.

a. Both strategies concentrate proposed development within the principal settlements then within the settlement boundaries of tier 2 and 3 settlements.

b. Whilst Tayplan suggests consideration of a sequential approach to development, it only allows consideration to explore expansion of other settlements where development within the edge of principle settlements is unavailable. We contend that the expansion around small villages/towns nominated out with these areas is contrary to the vision within the Tayplan's spatial strategy (Policy 1).

c. The adopted LDP specifically reviewed the varying spatial strategies to consider potential release of land for housing within the Perth and Kinross area (particularly through the call for sites and LDP Main Issue Report (MIR) which culminated in the LDP specifically stating that land release around Powmill (as a small village) with limited services and infrastructure would not be entertained given the detrimental impact that this would have on the existing infrastructure. Additionally, the Site was considered for development and specifically excluded for development

within the LDP Proposed Plan for a host of reasons that the PKC will be well aware of but in particular the lack of any housing land shortfall. The reasons to exclude the site form the LDP were robust and subsequently supported by an independent Reporter appointed by Scottish Ministers. The applicant has not provided any reasons that deviates from this position to exclude the site from development.

2. Non-Compliance with LDP Policy 6 Settlement Boundaries.
a. The accompanying planning statement correctly states that there is no Housing Land Supply Shortfall within the Kinross Housing Market Area. Therefore, the proposed development does not comply with the policy criterion c) of this policy. It also fails to comply with criteria b) and c) of this policy. As such, the proposed development does not accord with LDP Policy 6. References within the accompanying planning statement suggesting that the housing would come forward as 'windfall' sites is irrelevant as it is the application of the policy test above that counts in this assessment. Windfall sites would be tested against relevant LDP policy test relevant to their location and therefore are not a reason in isolation to justify release of this site. Overall, the site is located out with a settlement boundary, there is no shortfall in the effective 5-year Housing Land Supply within this area. It therefore fails to comply with LDP Policy 6 and should be refused on this basis.

3. Proposing that site should be developed due to the 'ineffectiveness' of an adopted site (H53) within the same settlement is inappropriate, particularly given that the LDP has only recently been adopted 2 weeks ago (end of Nov 2019) with no shortfall in the 5 year housing land supply requirement for this area. PKC were confident of Site H53's effectiveness credentials throughout the LDP process and therefore allocated it. Specifying that the site is not effective, just because the landowner/interested developer provided limited comments to an earlier LDP consultation is wholly inappropriate. PKC contend that the site is effective and deliverable within the plan period and I agree that there is no reason to question this. As such, the effectiveness or otherwise of the allocated is not a material consideration and to suggest that PKC should support the proposed development based on this reason in wrong and this rationale should be set aside.

a. Moreover, the Report of Examination agrees on the effectiveness of Allocated Site H53 and that it should not be questioned, stating that:

'...despite planning permission for development on H53 having expired, I have seen nothing to suggest that it is incapable of providing energy efficient, affordable housing of the kind proposed for H370.

Therefore, 'non-delivery' of housing on allocated site H53 has been excluded by a Scottish Government Reporter only 5 months ago and we respectfully request that PKC do the same and proceed with a development strategy reflective of their LDP - refusing the above application.

4. The proposed development does not comply with LDP Policy 24: Maintaining an Effective

Housing Land Supply, despite assertions by the applicant. Specifically, the proposed development would not comply with criterion '(d)' which required that:
'It can be demonstrated that the proposal will contribute to meeting the identified shortfall by delivering completions within five years'.
This policy states that: 'Only where the Council is satisfied that sites within the housing land audit cannot come forward, will proposals on unallocated sites be considered'. This test would not be met therefore there is no mechanism for the proposed development to comply with the remainder of the tests within this policy.

Nevertheless, the accompanying planning statement seems to suggest, again, that the non-delivery of allocated site H53 would somehow result in a shortfall in the 5 hear housing land supply. This assertion is completely misleading as it suggests that the non-effectiveness of an allocated site - included within an LDP adopted only 2 weeks ago - and outlining PKC's spatial vision for development for a 5 year period - is a reason to say that there would be a shortfall in the housing land supply for this area. Moreover, and as stated throughout this objection, only 5 months ago the LDP was approved by Scottish Government Reporters who confirmed that there was no shortfall in the housing land supply for this area. The applicant has provided no evidence to substantiate their (brief) suggestion that there could be a housing land supply shortfall. This is certainly not sufficient to comply with the respective policy requirement. Therefore, the proposed development does not comply with LDP Policy 24 and there is no evidence to state that there is a shortfall that contradicts PKCs most recent housing land position, and the position ratified by the Scottish Government Reporter.

5. The Report of Examinaiton in the LDP expressly confirmed that the LDP 'has sufficient provision for land to meet the housing supply target in accordance with TAYplan and Scottish Planning Policy'. (p.48)

a. As such, release of land for housing or development outwith the Powmill settlement boundary is not contemplated nor supported in planning policy terms - a view echoed by the independent Reporter. This further demonstrates the inappropriateness of the site for housing and its non-compliance with the spatial strategy for the area.
a. Moreover, there is no shortfall in the Housing Land Supply within Powmill (as part of the Kinross Housing Market Area. Therefore the release of land for housing is not justified as sufficient provision has already been made elsewehere to accommodate the housing land requirements within this area.
a. The Report of Examination outlines that: 'As far as the Kinross Housing Market Area is concerned, it has been found that there is no shortfall in meeting the housing land requirement. Adequate housing land has been provided to satisfy the requirements set out in TAYplan'. (p.762).

The site was therefore excluded from the LDP Proposed Plan on this basis. This shortfall is still in place and the applicant has not sought to question this position.,

b. Policy allows for potential longer term development around other principle settlements where green belt or countryside belts have been removed or where longer term development sites have been identified. This is not the case within Powmill - emphasising the importance of retaining development within the settlement boundary of allocated sites.

6. The applicant has suggested that they agree to the remainder of land within their control nominated blue on the Location Plan being transferred to a community use. However, there is no mechanism to identify how this could be undertaken within the accompanying documentation.
a. Moreover, PKC as planning authority may not agree with the provision of such a community use on this land. Therefore, there is no certainty that this approach could be supported by PKC. We would therefore urge PKC not to base any decision on the provision of a community use (which we understand could be as crude as the retention of the existing field to the north east of the site) when determining the merits of the proposed development, particularly as the land in question is not identified within the development boundary and not identified as community use or otherwise on the proposed drawings.
b. If the applicant truly considered this to be a viable option, the mechanism to secure this should surely be confirmed. We suspect that the applicant may seek to enter into a unilateral agreement under S.75 of the Planning Act 1997 (as amended. Therefore, we would suggest that the applicant confirm that they are willing to enter into such a legal agreement or similar to show their commitment to this approach.

Comments for Planning Application 19/01881/IPL

Application Summary
Application Number: 19/01881/IPL
Address: Land 80 Metres North East Of Powmill Milk Bar Powmill
Proposal: Residential development (in principle)
Case Officer: Sean Panton

Customer Details
Name: Mrs Anne McKay
Address: [redacted]

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Over Intensive Development
- Over Looking
- Road Safety Concerns

Comment:
I object to planning application submitted under reference 19/01881/IPL, on the following grounds.

1. The proposed development is outside of the village boundary as detailed in the recently adopted Local Development Plan 2.
2. The applicant states that this site provides a viable alternative for development, given that the site at the former Gartwhinzean Hotel (H53) has not been used. It is illogical to state that a site, out with the agreed village boundary should be opened up simply because one already slated has not been developed. It would make more sense for the developer to seek to develop the Gartwhinzean site.
3. The application also states that the proposed houses are required to fulfil demand locally. A study of the local housing market however would indicate that this was not the case with many similar sized properties already available, some of which have been for sale for a considerable period of time.
4. The application also makes reference to the ability to connect to an existing waste water provision. There is, however, no such connection available in the immediate locality, neither public nor private. As an owner occupier of one of the houses in the existing group that borders the

proposed development to the south, I can report that the private treatment facility that serves our homes was built to accommodate these houses only, up to a maximum of thirty six persons and is effectively at capacity.

5. The Aldie Road is a designated walking and cycling friendly route, with no pavement facility. The traffic from the proposed development would feed on to this road and greatly increase the traffic flow on the road and would therefore be in direct opposition to the ability to sustain this road as such a route. If this development was allowed to proceed then it would potentially increase the number of properties which feed on to this road by around 50%.

[redacted]

Dear Sirs

In regard to application proposal 19/01881/IPL, I object to this application.

Taking in to account the Development Plan for this area and the adopted PKC Local Development Plan 2 (LDP) I do not see any evidence that the applicant providing any detail that overrides this.

I request by way of this objection that the application is refused by PKC.

The applicant's proposal contradicts both Plans

§ The proposal is outwith the village boundary; there are many aspects to this and these are clearly defined in both Plans and contradicted in this proposal

§ In particular,

- o The LDP Settlement Summary clearly defines Housing Proposal H53, which allows for a development greater in size than this proposal

- o I see no reference to the requirements of LDP Policy 5 where '*Primary Education contributions will be sought from residential proposals for the primary school catchment areas scheduled within the Council's Supplementary Guidance….*'

- o LDP Policy 55 is clear on approval consent requirements. The majority of the existing properties would be negatively impacted by this development

Road access in relation to the applicant's proposal

§ The proposed access utilises a section of a (unclassified) road (Aldie Road) that has a blind spot to the West. This road is used by cars and farm vehicles as well as cyclists and local walkers. The blind spot will add considerable risk of accidents, particularly with the volume of traffic exiting the proposed development.

Furthermore, there are no passing spaces on that section of the Aldie Road, which would lead to traffic flow issues.

§ The proposal contradicts LDP Policy 8

Sewage system proposal in relation to the applicant's proposal

§ The proposal references 'connecting to public drainage network'. The properties beside the proposed site have their own private system with the closest public site being within the village and there is no piped access to this from the area for the proposed development.

§ Furthermore, the Milk Bar also has its own private system.

Ground water risk in relation to the applicant's proposal

§ The proposal states that there is no provision for SUDS arrangement (LDP Policy 53)

§ The area for the proposed development is already water logged at periods of heavy rainfall and snow melt. This water flow has at times affected several of the properties beside the proposal and actually another one behind one of the properties.

§ Referencing the LDP Policy 52 this clearly states '*...development should not - (1) increase the rate of surface water run-off from any site (taking in to account of rain falling on the site and run-off from adjacent areas)*'. Adding in road, pavements, driveway access and garden areas will increase this risk and not support Policy 52

Missing affordable housing within applicant's proposal

§ I see no reference to affordable housing within the proposal and reviewing property types, sizes and design these do not appear to support this requirement.

Regards

Euan Glover

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General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

Tracy McManamon

From:	Gracie Wilson [redacted]
Sent:	19 December 2019 20:55
To:	Development Management - Generic Email Account
Cc:	fossoway.cc@gmail.com; Councillor Michael Barnacle; Councillor Callum Purves
Subject:	Application number:19/01881/IPLresidential Planning objection to development of wasteland east of Powmill milk bar
Attachments:	Planning objection.docx

To whom it may concern,

Please find attached our objection letter to the development of the wasteland easte of Powmill milk bar, application number:19/01881/IPLresidential.

best wishes
Mrs Gracie WIison on behalf of the Wilson family [redacted]

[redacted]

ENTERED IN COMPUTER

20 DEC 2019

[redacted]

17th December 2019

Re: Planning application on Aldie road/ wasteland east of Powmill Milk bar

To whom it may concern,

My family and I wish to express our concerns and **object** to the planning application for 12 houses to be placed on Aldie road/ wasteland east of Powmill Milk bar. We object to this application as we feel the road is not suitable for 12 more houses, each with a double garage, giving the possibility of approximately 24 additional cars. The traffic on this road is already far too much and far too fast. We also feel that there is no need for these 3-5 bedroom houses given the number of houses which are and have been up for sale for a long time in the surrounding area. More houses are not required at the present time. We have concerns that the application expresses the idea of giving the adjacent field to the community or for woodland, this would not only lead to more traffic on the road, but also where do the applicants expect community members to park their cars, given the rural location we live in, it is unlikely people are going to walk to the site. A woodland would also reduce the amount of natural light to our property and remove our view. The idea of donating this land comes across as trying to persuade the application panel and locals to approve the application.

The application states some of these houses would include affordable housing, however we feel this is unlikely given the size and location of properties proposed. The site in question for these houses falls out with the current housing development for Powmill and Rumbling Bridge. There is already an approved application for development of the site of the old Gartwhinzean hotel, which we feel, as do many residents, needs to be addressed first. The Gartwhinzean site has been approved for houses, and this site is already on the same side of a very busy road as the local shop, village hall and play park. Given that the proposed houses are 3 to 5 bedroom houses, one would assume they will likely be family homes. However, this presents a problem when local amenities such as the local primary and secondary school, as well as the local doctor's surgery are all struggling to cope with the numbers they already have.

Best wishes

KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

Chairman: Alistair Smith, Ashtrees, Wester Balgedie, Kinross, KY13 9HE
Secretary: Eileen Thomas, 50 Muirs, Kinross, KY13 8AU
Email: KinrossshireCivicTrustSecy@gmail.com

Planning and Development
Perth & Kinross Council

by email to: developmentmanagement@pkc.gov.uk

20 December 2019

Dear Sir/Madam

19/01881/IPL Residential development (in principle) at land 80m NE of Powmill Milk Bar, Powmill

Kinross-shire Civic Trust **objects** to the above application.

The site is outwith the settlement boundary as defined in the Perth & Kinross Local Development Plan adopted in November 2019 (LDP2). There is ample provision for new housing at the brownfield site H53 (former Gartwhinzean Hotel), which is zoned for housing.

There is no demonstrated need for additional housing. LDP2 states that "Fossoway Primary School has limited capacity to support further development". In addition, Loch Leven Health Centre is under increasing strain due to all the new house-building in the Kinross area, plus an increased patient list as a result of the closure of the GP facility at Bridge of Earn.

The applicant attempts to claim that the site is a windfall site, but this does not fit with the definition of windfall site in LDP2, which refers to sites becoming available "unexpectedly", giving former industrial sites becoming vacant as an example. It clearly does not mean greenfield land outwith settlements.

The proposal is contrary to the TAYplan spatial strategy and the Local Development Plan and there are no sound reasons for departing from the plan. Kinross-shire Civic Trust therefore urges Perth and Kinross Council to refuse this application.

Yours faithfully

Kinross-shire Civic Trust

cc Kinross-shire Ward Councillors
Fossoway Community Council

President – Professor David Munro MBE, Chairman – Mr Alistair Smith,
Secretary – Mrs Eileen Thomas, Treasurer – Mr Ken Miles

Fossoway & District Community Council

Planning Application 19/01881/IPL

8th January 2020

The Community Council thank the planning department for the extension to the comment date.

The Community Council would like to object to this application on the following grounds

- The proposed development lies outside the village area as defined in LDP2.
- We believe there is a signifant risk of flooding if the development went ahead.
- We believe the development would increase the traffic on the Aldie Road (single track) to an unacceptable level.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	**19/01881/IPL**	**Comments provided by**	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	**Contact Details**	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Residential development (in principle).		
Address of site	Land 80 Metres North East Of Powmill Milk Bar, Powmill.		
Comments on the proposal	**Policy 41: Biodiversity** The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. No habitat or protected species survey of the proposed development area or assessment of the likely effects from this development on habitats and species was submitted alongside this application. To progress this application, information about the biodiversity value of the site is required in the form of an Extended Phase 1 Habitat Survey. Once this information is obtained, measures should be identified to avoid and reduce impacts, and to compensate for any loss of habitat.		
Recommended planning condition(s)	More information is required to progress this application.		
Recommended informative(s) for applicant			
Date comments returned	17 January 2020		

CHX Planning Local Review Body - Generic Email Account

From: Nicola Marchant [redacted]
Sent: 10 April 2020 13:59
To: CHX Planning Local Review Body - Generic Email Account; "Undisclosedrecipients:"
Cc: Kevin Borthwick; Councillor Michael Barnacle; Councillor Callum Purves; Councillor Richard Watters; wbrobertson@pkc.go
Subject: RE: LRB-2020-09

Dear Lisa
After reading the PKC Planning Report of Handling Ref No. 19/01881/IPL we would like to add the following to our objections that were originally submitted: -

Policy 19 – Housing in the Countryside & Policy 24 Maintaining an Effective Housing Land Supply
We do not believe that this application meets the requirements of this policy as there is no proven economic requirement for this development. The current LDP2 shows a projected surplus of housing in the Kinross area of 29. In addition, a housing development of 30 houses within the settlement boundary is already included in LDP2. I would like it noted that the recent Perth and Kinross Housing Land Audit 2019 (publ Dec 2019, p13) states that Thomson Homes does not intend to develop the Gartwhinzean site until 2024/25 and hence it is incorrect for the applicant to assume that this site will not be an effective housing supply within a 5 year period.

Policy 52 – New development and Flooding
As one of the residential properties on the southern boundary of the site we are extremely concerned that there will be an increased risk of flooding of our property. The drop from the development site to our ground level is approximately 1.4m which means that during times of excessive rainfall, as seen this winter, there is a large volume of run-off water which then sits on our ground. We have already added additional drainage systems to our grounds but are deeply concerned that development of the site and removal of well-established bushes and trees will result in flooding of our property. As such we believe that this proposed development is contrary to Policy 52 which states that 'there is a general presumption against proposals for built development where there is a medium to high risk of flooding from any source.'

Policy 60B Transport Planning
Whilst transport planning did not object to the application, they have stated that the development of the site will require significant alterations to C494 (Aldie Road) involving widening addition of footpaths and passing places to ensure it is safe for vehicles and pedestrians. In addition, this development will significantly increase traffic using the farm track to access the C494 as this is currently only used by 2 residential properties. Hence according to Policy 60B 'all development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. The aim of the development should be to reduce travel demand by car.'
I would like to add that as there are no bus services that pass through Powmill residents have to walk along the footpath on the A977 turning down onto the A823 into Rumbling Bridge to find the No. 23 bus which has a very limited service. The distance from the junction of the proposed development with the C494 and the nearest bus stop is 1200m. The A977 road speed along this strip is 60m/hr. This contravenes Policy 60B which states that there should be 'access to local bus routes with an appropriate frequency of service which involves walking no more than 400m.' The lack of infrastructure in the Powmill settlement is a regular point of discussion at both the local district community council and PKC. Therefore we object to this planning application as it will result in increased travel by car and a significant increase is traffic along a quiet country road.

In conclusion I would like to reinforce our objections to this planning application with the above justification for dismissal of the appeal. Please could you confirm receipt of this email.
Yours sincerely
Nicola and Trevor Marchant

CHX Planning Local Review Body - Generic Email Account

From:	Alex Boulter [redacted]
Sent:	13 April 2020 11:25
To:	CHX Planning Local Review Body - Generic Email Account
Cc:	Kevin Borthwick; Councillor Michael Barnacle; Councillor Callum Purves; Councillor Richard Watters; Councillor William Robertson
Subject:	LRB-2020-09. (19/01881/IPL)

Dear Lisa,

I would like to respond to the Statement of Reasons for Seeking Review using the applicant's references.

Summary

The pictures used can be misleading as they do not show the aspect from the north of the land facing south. I have included a picture showing this aspect. This picture is taken from the north west corner of the land looking south. it is possible to see the dominating position, being elevated, and how that it would change the shape of the village and destroy the amenity.

There has been no continued support for the development of this land. There is already a well-established building line comprising of the Steading land. This has always been the case and has been recommended over many years not only by previous Planning Committees, but also by Scottish Executive Reporters on previous planning applications (03/00860/FUL, 03/01814/FUL, 05/01296/FUL, 07/00555/FUL, SEIRU P/PPA/340/502 and SEIRU P/PPA/349/344). Therefore, there is no reason to establish a new building line where one already exists.

1.4 There is, as the applicant readily admits, enough approved building land permitted with the existing village boundary. When the applicant contends it's development is an unlikely scenario, it is purely their conjecture.

1.6 The Powmill community does not welcome more housing development out with the existing village boundary and, along with the Fossoway Community Council, acknowledges that there is more than enough approved land available in the existing village boundary.

2.0 It would appear that the applicant is questioning the Planning Department's ability to process their application. The applicant seems to fail to realise that residents would have little opportunity to comment on their proposal if they keep amending it during the consultation process. A proper application would have considered all aspects from the beginning and addressed them accordingly. Not waited for questions so they may respond.

2.5 The Planning Committee rightly refuses permission based on LDP 2019 Policy 6. There is nothing in this application that meets any of the criteria of this policy, and indeed the applicant themselves admits that it is out with the settlement boundary in paragraph 2.10.

2.16 Again the Planning Committee rightly refuse permission based on LDP 2019 Policy 19. They state correctly that it does not comply with any of the categories. It would appear the applicant wants to impose their own personal interpretations of this policy.

2.23 The third reason given for refusing permission given by the Planning Committee was regards LDP 2019 Policy 39. It appears the applicant places no value on eroding the local distinctiveness of Powmill village. There is already plenty of approved building land within the village boundary that would have no detrimental effect to the village amenity.

2.32 The applicant complains that the Biodiversity Officer objected and should have consulted them. I am sure the applicant could have taken the initiative prior to the application stage and supplied a detailed report themselves, but they did not, and expected the Council to do the work for them.

3.7 The applicant admits this land is on a south facing slope. That would conclude that building on this land would dominate not only the nearby houses but the whole village amenity.

3.10 As has been stated before in other comments, this application does nothing to address LDP 2019 Policy 60 regarding the ability to use public transport.

3.11 We personally deal every year with flooding in our house (East Steading) caused by the proposed land, so there is a flood risk. It would appear that, despite the applicant owning the adjoining land, nothing has been done so far to address the current issue. We question whether they have the ability to do so.

Conclusion.

This application is quite clearly in contravention of a many of the LDP 2019 policies and was rightly refused by the Planning Committee.

Therefore we ask that Perth and Kinross Council's Local Review Body, uphold the Planning Committee's decision and turn down this appeal.

Yours faithfully
Alex and Lynn Boulter.

Town & Country Planning (Scotland) Act 1997
The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013

Application Ref: 19/01881/IPL - Residential development (in principle), land 80 metres north east of Powmill Milk Bar, Powmill – Dilan Developments

Further comments to Local Review Body in response to representations from interested parties.

Submission by Arthur Stone Planning & Architectural Design Ltd on behalf of Dilan Developments

The representations submitted by N and T Marchant and A Boulter refer to several points, already included in the applicant's submitted Supporting Planning Statement and Statement of Reasons for Seeking Review. We highlight that, of the original representations submitted, only two have been supplemented with any additional comment. Both, we understand, are submitted by near neighbours of the site, within the Steading development to the south. We note that no further comment has been received from the Community Council. No representations were made to the original application by the neighbouring proprietors at the Milk Bar and Craft Shop.

We highlight that the representation by A Boulter refers to the determination of the application by the Planning Committee and we have interpreted these comments as meaning, under delegated powers, by the Appointed Officer.

Some brief further comment is made below in response to these representations. However, we refer Members of the Local Review Body to the applicant's full Statement of Reasons for Seeking Review where they have also been addressed.

Effective Housing Land Supply

Members of the Local Review Body are referred to the information provided in the applicant's original Supporting Planning Statement and further Statement of Reasons for Seeking Review. Although the Council's Housing Land Audit 2019 (HLA 2019) includes the Garwhinzean H53 site in the Effective Housing Land Supply there are no forecast completions within the current 5 year period, 2019-20 to 2023-24 with the first 5 completions programmed for 2024/25. We note that although there was planning permission for the site during time of the preparation of the adopted Local Development Plan, this has now expired.

It is noted that the HLA 2019 includes, in referring to programming that '*Emphasis is made however that the likely yields are only indicative and will undoubtedly vary from the actual yield'.* In detailing the development, the HLA 2019 indicates that the 'Developer/Applicant' status is the '*Name of the last known or anticipated developer (or applicant'.*) This highlights the inherent uncertainties associated with the Housing Land Audit

The HLA 2019 also includes in the section on Completions on Windfall Sites that *'Completions data from the last 5 years Housing Land Audits have shown that in the period to 2019 windfall sites of 5+ houses have on average accounted for nearly 40% of all housing completions. It is therefore reasonable to*

assume that windfall sites will continue to make an important contribution in meeting the housing land requirement.'.

The HLA 2019 glossary defines 'windfall site'- *'Sites that receive planning permission and are not previously identified as land for housing. They usually refer to reuse or redevelopment of land and are therefore brownfield sites.* ***In Perth & Kinross however some windfall sites are on greenfield land.'*** *(*our emphasis).

The applicant contends that the above points reiterate the position set out in the original statements and present an opportunity for the development of this site to be approved by the Local Review Body without compromising the Housing Land position set out in the Local Development Plan 2019.

Extension of Settlement Boundary

Further representation to the Council refers to the established 'building line' of the Steading development and to previous planning applications and appeals having been refused/dismissed. We highlight that in the Examination Report into the Perth & Kinross Local Development Plan the Reporter's conclusion on proposed site H370 (which included the current application site) was that '*I agree that Aldie Road and the track leading to Powmill Farm Steadings would constitute strong settlement boundaries. I also accept that, as a greenfield site, H370 has fewer constraints to development than does H53, especially with regard to land contamination'.* (para 79)

The photograph submitted as part of the further representation demonstrates the enclosed nature of the site, with the photograph taken from one of the few viewpoints into the site. The site is extremely well contained and would be an appropriate addition to the built form of Powmill. It is the applicant's assertion, supported by feedback from the Council's Development Plan team during the Plan preparation, that this land provides an ideal site for housing development.

We also note that the Reporter in the LDP Examination Report indicated that there were likely to be less constraints to development on this site. In addition, in the preparation of the Local Development Plan, as recorded during its various stages and in the assessment process, this site was considered favourably for residential development. It was only excluded from further consideration due to there not being a need to find additional housing land in Powmill, at that time. During the preparation of the Local Development Plan the Gartwhinzean H53 site had planning permission but by the conclusion of the Plan this had expired.

Flooding

The Council's Report of Handling indicates that *'The site is not in an area of known flood risk although there is an existing drainage culvert which flows through the southern end of the site'* and '*Further information would be required regarding this drainage culvert at a detailed application stage to ensure that there is adequate provision for the effective drainage of the site. At an in principle stage however, I am not concerned at this as it is considered a suitable scheme could be forthcoming at a detailed stage'.*

The case officer, in consultation with specialist colleagues was content that the proposal does not raise any concern with the potential for flooding and should not prevent approval of this application in principle. Full drainage assessment and sustainable drainage design would be carried out the appropriate specialists for a further detailed application.

The applicant notes that one of the additional representations refers to existing flooding as he was unaware of this situation. Photographic record of the situation would be useful to investigate the cause of the flooding and would be fully addressed in future drainage assessment. Development of the site could bring benefits for the adjacent householder from the implementation of a future drainage scheme, notwithstanding that the issue may not be related to the application site.

Transport

The applicant notes that the representations refer to transport issues. The Council's Report of Handling includes that *'My colleagues in Transport Planning were consulted as part of this application and whilst have no objection to the proposed development, stated significant requirements for any detailed application. These requirements include visibility, parking, passing places, road widening, a footway and an area of hard standing. These would all be required as part of any detailed application.'*

The Council's specialist transport officer was content that there was no fundamental transport related reason to refuse this application in principle. A future application will include full details of the Council's requirements to ensure road safety and access, without any adverse impact on the nature and use of Aldie Road.

The applicant acknowledges that access to public transport is from Rumbling Bridge, to the north of the site, accessed along the core path footway. However, housing on this application site will have the closest access to available public transport of any of the Powmill/Gartwhinzean Feus community, including being significantly closer to public transport than the allocated H53 Gartwhinzean site.

The Reporter, in the Examination Report of the Perth & Kinross Local Development Plan, noted that the Powmill bus service appeared to be withdrawn but concluded that '*As the settlement is located in the countryside and is a non-tiered settlement, it would not be unusual or unexpected for residents to be required to travel to access the full range of services needed by households on a regular basis. For example, I note that Powmill is within the catchment area for Fossoway Primary School, in Crook of Devon. The absence of public transport is not sufficient reason to prevent other identified needs of a settlement from being planned for'.* (para 71) This conclusion was in response to objections related to allocation of land for housing at Powmill.

Submission of Detailed Report

One of the additional representations is critical of the submission not including detailed habitat survey information. We highlight that the Council's case officer did not request a Habitat Survey prior to the refusal of the application, and the specialist's consultation response was not brought to the agent's attention. The Council, in its guidance note for applicants, requests that applicants/agents do not contact the Council regarding an application within the first 2 months of assessment (the statutory period for determining the application). The Council indicates that the applicant *'will normally only be contacted during that period if we need you to give further consideration to a particular issue…'*

This application was determined within 7 weeks and therefore our expectation was that the case officer would have been in contact to request additional information, should it have been needed to inform the decision making process. It is regrettable that this issue was used as a reason for refusal when this need not have been the case.