

TCP/11/16(197)

Planning Application 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswell, Kinfauns

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURES)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name MR N. LOWE

Address KINGSWELLS,
MUIR HALL ROAD,
KINFARNS, PERTH

Postcode PH2 7LL

Contact Telephone 1 —

Contact Telephone 2 —

Fax No —

E-mail*

Agent (if any)

Name MR C. M. RICHARDSON

Address RISTOL LTD
TOUCH ESTATE
STIRLING

Postcode FK8 3AQ

Contact Telephone 1 01786 465782

Contact Telephone 2 —

Fax No —

E-mail* MARK.RICHARDSON@STUDIO10RISTOL.CO

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

Yes No
☒ ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

PERTH + KINROSS COUNCIL

Planning authority's application reference number

011/01373/FLL

Site address

KINGSWELLS, MUIR HALL ROAD, PERTH PH2 7LL

Description of proposed
development

ERECTION OF 3 DWELLING HOUSES

Date of application

2/9/2011

Date of decision (if any)

11/4/2012

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

SEE ATTACHED STATEMENTS

Site inspection

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

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

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

Statement

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

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

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

SEE ATTACHED STATEMENT

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

Yes No

☐
☒

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

List of documents and evidence

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

SEE ATTACHED STATEMENT

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

22 Feb 2017.

Planning Statement



RISTOL

Date:

22nd June 2012

Statement of Grounds for Review:

Application number 11/01373/FLL

The erection of three dwelling houses on land at 300 meters east of Kingswells, Kinfauns.

Applicant – Mr N Lowe, Kingswells, Kingswells.

Agent – Ristol Ltd, Touch Estate, Stirling.

Ristol Ltd

Touch Business Centre
Touch Estate
Cambusbarron
Stirling FK8 3AQ

OFFICE 01786 465 782

FAX 01786 471 438

EMAIL info@studioristol.com

studioristol.com

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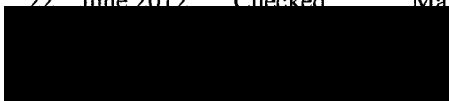
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Appendices

1	Site Location
2	Planning Application Form
3	Planning Application Supporting Statement
4	Planning Drawings
5	Landscape and Visual Assessment, undertaken by Ian White Associates
6	Copy of Planning Officers Pre-Application Consultation Response dated 8 th May 2011
7	Perth and Kinross Council Decision Notice dated 11 th April 2012
8	Perth and Kinross Council Officer's Report of Handling
9	Extract of Correspondence with Perth and Kinross Council throughout Determination of the Application
10	Extract from Report of Handling for Planning Application 11/00897/IPL
11	Scottish Planning Policy dated February 2010

Issued

Date: 22nd June 2012 Checked: Mark Richardson

Signature: 

Job Ref: 5000-03-47

Reference: Kingswells
Job Reference: 5000-03-47



1.0 Introduction

1.1 Proposal

- 1.1.1 Planning Application 11/01373/FLL was submitted on the 8th August 2011. The target determination date was 11th November 2011 and a decision notice was issued on 11th April 2012.
- 1.1.2 The applicant, Mr N Lowe sought planning permission for the erection of three dwelling houses on land within his ownership, 300 meters east of Kingswells, Kinfauns, as shown in Appendix 1.
- 1.1.3 The planning application documentation and supporting statement are found in Appendices 2 to 5.
- 1.1.4 This detailed planning application is for three detached residential properties, served by an existing access. Two house types are proposed.
- 1.1.5 The design of the properties reflect the policy framework contained in *Perth and Kinross Council's Housing in the Countryside Policy 2009*. Careful consideration has been given to the local vernacular and landscape setting and character, with ridge heights set at 1½ story, the layout adopting a linear form and the houses orientated on a north-south axis. Material treatment is a mix of stone, painted render and timber, with slate roofs, whilst the siting of the properties has been designed to ensure the buildings fit within the building group and protect the amenity of the adjoining properties.
- 1.1.6 The design approach was informed by the parameters of the listing of the adjoining Kingswell farmhouse in order to ensure the character and setting of the farmhouse is maintained. An evaluation of the proposal in relation to the farmhouse was undertaken by renowned conservation architects Simpson and Brown which established that the proposed development subject of this application would not impact on the character and setting of Kingswell farmhouse.
- 1.1.7 An integral element of the design process was the use of extensive tree planting between each proposed residential plot to reinforce the integration of the properties into the wider landscape to ensure landscape fit and enhance the AGLV.
- 1.1.8 The internal site road will be tarmaced with passing bays with the access built to adoptable standards before resorting to a private road. No street lights are proposed.
- 1.1.9 The proposed properties will be served by mains water, electricity and BT. Heating, foul and surface water will be private. Individual septic tanks are proposed for each of the properties and surface water will be dealt with through a herringbone drain. There is sufficient area to provide for this within the application site and the ground conditions have suitable porosity for drainage.
- 1.1.10 The planning application was preceded by a pre-application review with the Planning Officer, which included an accompanied site visit with the applicant's planning



consultant and architect, the issue of concept drawings and subsequent written response. The Planning Officer's pre-application advice is found in Appendix 6.

- 1.1.11 In order to assist determination of the application in response to the pre-application consultation and subsequent dialogue with the Planning Officer, the applicant invested in the design work necessary to take the proposal forward as a detailed planning application with an accompanying comprehensive landscape and visual assessment of the proposal by an independent landscape consultant, Ian White. This is found in Appendix 5.
- 1.1.12 The applicant contests the reasons for refusal of the planning application and the authority's justification for the reasons as listed in the decision note, which can be found in Appendix 7.

1.2 Reasons for Refusal

- 1.2.1 The planning application was assessed under delegated powers. The Decision Notice with reasons for refusal is found in Appendix 7. The Development Quality Manager stated the proposal failed to comply with the development plan for the following reasons:

1. As the proposal will have a visible impact on the landscape character of an area designated as being of Great Landscape Value (AGLV), the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1 Housing Land 2000), both of which state that there will be presumption against built development within the AGLV designation, except for development necessary for operational need.

2. As a result of the proposal being contrary to a policy relating to a specific designation within the relevant Local Plan Policy 12 of the Perth Area Local Plan 1995 (incorporating Alteration No1, Housing Land 2000), the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) which seeks to ensure the Local Plan policies relating to specific designations are complied with.

3. The proposal is contrary to Policy NE5: Green Belt of the Perth and Kinross Council Proposed Local Development Plan 2012 as the site is located within an area identified as Green Belt. This policy states that the Housing in the Countryside Policy does not apply in the Green Belt.

- 1.2.2 These proposals were justified by the planning authority because *"the proposal is contrary to the Development Plan, and there are no material reasons which justify approving the application"*.
- 1.2.3 These grounds for review will examine the reasons for refusal and the planning authority's justification for the reasons. It will present the applicant's case that none of the three reasons are supported, based on an analysis of the Development Plan and examination of a significant amount of material considerations that would offer a balance in support of the proposals. These grounds of review also query the



reasonableness of the authority's decision, as set out in Section 1.3 below. The Local Review Body is respectfully requested to reconsider the application based on the review of the facts before them and grant planning permission.

1.3 Reasonableness of Decision

1.3.1 The applicant will demonstrate how they consider the reasons for refusal and the report of handling that justifies the decision to refuse planning permission are not reasonable. With regard to Scottish Government Guidance, Circular 6/1990 *Awards and Expenses in Appeals and other Planning Proceedings and in Compulsory Purchase Order Enquiries* the applicant consider the following points merit a position to question the reasonableness of the planning decision:

1. the planning authority has reached its decision solely on the grounds that the proposal does not accord with the provision of the Development Plan, without having any meaningful regard to other material considerations. This includes national policy guidance issued post adoption of the Perth Area Local Plan 1995, recent Council decisions on similar applications and the Landscape and Visual Assessment accompanying this application.
2. the reasons for refusal contained within the decision notice are based on three grounds, yet the Report of Handling as contained in Appendix 8 specifies only two reasons for refusal.
3. the target determination was the 1st November 2011, by which time all statutory consultees, public responses and supporting information from the applicant had been lodged with the Council. Despite extensive follow up correspondence and phone calls with assurances from the Planning Officer that the application would be determined expeditiously as evidenced in Appendix 9, it took a further six months before a decision was issued. No reasons for this extensive delay have been provided and as such the applicant has limited confidence in the planning system, as provided for in the *Scottish Planning Policy* and *Circular 4/2009 Development Management Procedures*.

1.3.2 Within the Planning Officer's Delegated Report of Handling contained in Appendix 8, the Officer considers that ultimately the "*key tests of the acceptability of the planning application are based on two issues, a/ whether or not the site has good existing landscape framework and the proposed residential uses are compatible with its surroundings and b/ whether or not the proposal is acceptable in land use terms bearing in mind the provisions of the Development Plan*". As the Delegated Report of Handling highlights (Appendix 8), the Planning Officer concludes that development of the site will materially change the appearance of the landscape and as such does not allow for the opportunity to depart from the Development Plan or the *Housing in the Countryside Policy* (2009). No landscape evidence has been given to support this assessment, which is totally at odds with the independent and rigorous landscape and visual assessment accompanying the planning application. Despite initially accepting



the invitation to meet the applicant's profession team in order to review the landscape and visual assessment, the Planning Officer withdrew from this position with the result that the applicant has no confidence in officers assessment of the landscape and visual issues and therefore the basis for the reasons for refusal.

- 1.3.3 There have been no statutory objections about the proposed development, including from statutory agencies responsible for the environment, notably Scottish Natural Heritage. Furthermore, no objections were submitted by the Council's Landscape Officer in relation to the proposal.

1.4 Proposed Review Method

- 1.4.1 The notice of review enclosed with this submission respectfully requests the means of examination by an assessment of review documents, a site visit and a hearing.
- 1.4.2 A site visit would give the local review body a first hand observation of the site, its relationship to adjoining buildings and its landscape context.
- 1.4.3 A hearing would also enable the applicant to address the Local Review Body, if granted to do so, in order to present the landscape and visual information accompanying the planning application in order to ensure that the issue of landscape impact and the applicants evidence that the proposal will enhance the landscape are put before the Board. This will address the concerns expressed above on confidence in the decision making process by exploring through a professional team, the landscape issues raised by the review.

2.0 Grounds for Review

- 2.1 This section will address the three reasons for refusal of application 11/01373/FLL, dated 11th April 2012, as found in Appendix 7.
- 2.2 In order to assist consideration of the grounds for review, the following observations are made.
- 2.3 Firstly, through the pre-application consultation process, the Planning Officer established that the key issue for consideration was landscape impact. This issue was heightened by virtue of the fact that the review site lies within the area of great landscape value (AGLV). As stated in Section 1 above, the applicant considers that the landscape and visual assessment accompanying the planning application has not been correctly evaluated on the basis that the applicant's assessment clearly demonstrates that the proposed development would have a materially positive impact on the landscape (Appendix 8). The Planning Officer contends that the site is entirely capable of absorbing the development proposed and appears to argue that the determining issue is a personal view on the significance of the impact on the visual appearance of the landscape. The Planning Officer does not state this will be a negative impact, just a change. It therefore appears that the Planning Officer has refused planning consent for a proposal that will have a significant positive impact on the landscape.



- 2.4 Secondly, no statutory objections were submitted during the determination process, including from Government Agencies responsible for the landscape such as Scottish Natural Heritage. Furthermore, no further objections were submitted by the Council's own landscape officers.
- 2.5 Thirdly, the proposed development would have generated a commuted sum of £19,185 which would have delivered much needed affordable housing in a bleak economic period.
- 2.6 Fourthly, support for this type of housing in the countryside is fully endorsed within the *Scottish Planning Policy (SPP)* paragraphs 131 (landscape) and 95 (rural development), which sets out National Planning Policy. In relation to landscape and the natural heritage, the SPP advocates a policy regime based on facilitating positive landscape change whilst maintaining and enhancing distinctive character. The SPP seeks to encourage the siting and design of development within the countryside which is informed by local landscape character. Of note is para 92 of the SPP (Appendix 11) which states that *"By taking a positive approach to new development, planning authorities can help to create the right condition for rural business and communities to flourish"*. Para 95 continues *"All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards"*. In relation to landscape and natural heritage, the SPP continues this policy direction of facilitating positive landscape change, stating in para 131 (Appendix 11). *"Whilst the protection of the landscape and natural heritage may sometimes impose constraints on development, with careful planning and design the potential for conflict can be minimised and the potential for enhancement maximised. However there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted. Statutory natural heritage designations are important considerations where they are directly or indirectly affected by a development proposal. However, designation does not necessarily imply a prohibition on development"*. The proposed development advances this policy approach and the Report of Handling notes that the site is *"extremely capable of absorbing the development proposed"* and that the proposed housing is *of a tasteful design* (Appendix 8).
- 2.7 Fifthly, there are a number of recent precedents for local development projects within the AGLV that have been granted planning consent. Of note are planning application 09/02019/FLL for the erection of a new house below the review site. Consent was granted in 2010 and the Council's analysis concluded that the site had a suitable landscape framework to accommodate the proposed development. This mirrors the Planning Officer's assessment of the site subject of this review. Furthermore application 11/00897/IPL at Over Kinfauns for two new built residential properties was approved on the basis that the proposal would have *"little adverse impact on either the landscape or the visual character of the AGLV"* (Appendix 10). The precedents above are relevant in that they relate to the AGLV and establish a track record within Perth and Kinross Council for approving planning applications within



the AGLV that have a landscape framework that can accommodate development and do not have an *adverse*, as opposed to *any*, impact.

2.8 Reasons for Refusal 1 – Contrary to policies 12 and 32 of the Perth Area Local Plan 1995 (incorporating alteration No 1 Housing Land 2000) (PALP)

2.9 *As the proposal will have a visible impact on the landscape character of an area designated as being of great landscape value (AGLV) the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (incorporating alteration No 1 Housing Land 2000), both of which state that there will be presumption against built development within the AGLV Designation except for development necessary for operational need.*

2.10 Sections 25 and 37 (2) of the *Town and Country Planning (Scotland) Act 1997* (as amended) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise.

2.11 In the context of this review, the Development Plan is the *Perth Area Local Plan 1995* (incorporating alteration 1 Housing Land 2000) (PALP). As the review site lies within the landward area of the PALP and within an area designated as being of great landscape value (AGLV) the application must be assessed against PALP Policies 1, 12 and 32. Policy 1 relates to all the developments within the landward area and seeks, amongst other things, that all new sites are compatible with the existing land uses and that all new sites have a suitable landscape framework which is capable of absorbing the development which is proposed.

2.12 Policy 12 relates specifically to developments within the AGLV and states that there will be presumption against new development within such areas unless there is a proven operational need.

2.13 Policy 32 refers to new housing in the countryside and lists a number of categories of development opportunities where new housing may be acceptable within the open countryside.

2.14 In terms of other material considerations, national planning guidance such as the SPP, other Policies approved by the Council post adoption of the PALP, most notably the revised *Housing in the Countryside Policy (2009)* and relevant planning decision precedents.

2.15 In assessing the policy context for the proposed development, the Planning Officer considered that the key tests relating to the acceptability of the planning application were based on two issues,

- a) whether or not the site had a good existing landscape framework and the proposed residential use was compatible with the surroundings and



- b) whether or not the proposed development is acceptable in land use terms bearing in mind the provisions of the Development Plan.
- 2.16 This formed part of the Report of Handling as contained in Appendix 8.
- 2.17 The Report of Handling highlights that in relation to Policy 1 of the PALP the Planning Officer had no particular issue with the compatibility of the proposal with the existing land uses. A note was made of concern by local residents in relation to existing private water supplies and the Council's Environmental Health Team commented on the proposals specifically and considered that appropriately worded conditions could mitigate any risk.
- 2.18 In terms of the existing landscape framework, the Planning Officer considered that the site was clearly defined on all sides and *"to have a good existing landscape framework which is entirely capable of absorbing the development of which is proposed"*.
- 2.19 The Report of Handling therefore considered that the planning application was entirely consistent with the aims of Policy 1 of the PALP.
- 2.20 In relation to the second issue, notably the acceptability of the land use (for residential) within a landward area of the PALP, the proposed development needs to be considered against Policy 32 of the PALP which refers to the *Housing in the Countryside Policy*. This has been amended through the *Housing in the Countryside Policy 2009* which is therefore also of relevance. Both versions offer some scope for the extension of building groups into definable sites providing that the extension will not detract from the character or the amenity of the existing group.
- 2.21 The Planning Officer acknowledges both within the pre-Application consultation, as contained in Appendix 6 and within the Report of Handling as contained in Appendix 8, that the proposed development sits within a defined building group and that the principle of development is established. The Report of Handling continues to note that the scale and design of the proposed development records with the detailed criteria of the *Housing in the Countryside Policy*. The Report of Handling goes so far as to state that the design is *"tasteful"*, (Appendix 8).
- 2.22 However within the preamble of the *Housing in the Countryside Policy 2009* and within the text (albeit not Policy) of Policy 32 of the PALP it is stated that all proposals must comply with any specific designations, which in the case of this development is Policy 12 of the PALP. This relates to the AGLV and states *"there will be presumption against built development within the AGLV except for development where necessary for operational needs"*. Sections 27 and 37 (2) of the *Town and Country Planning (Scotland) Act 1997* as amended require material considerations to be taken into account where they indicate the balance of a decision might be otherwise. This is relevant within the context of Policy 12 and the weight that should be attributed to the restricted policy provisions in relation to the AGLV. Of relevance is the issue of the SPP in 2010 and therefore the latest statement of



national policy. The SPP advocates a policy regime based on facilitating positive landscape change whilst maintaining and enhancing distinctive character. The main theme is one of taking a broader approach to landscape and natural heritage than just conserving designated or protected sites as detailed in para 2.7 above. This Policy focus is less restrictive in principle than Policy 12 of the PALP which was adopted in 1995 and the *Housing in the Countryside Policy of 2009*. It is directed towards the Government's aims of supporting and enhancing a vibrant and high quality rural environment and as such is a relevant material consideration for this review.

- 2.23 This policy emphasis is reflected in recent precedents within Perth and Kinross Council, which established that the planning service has taken the view in recent cases to assess proposals within the AGLV on their own individual merits, taking into account their site characteristics and the likely impact on the visual amenity of the area and on the landscape character.
- 2.24 Of particular relevance is the Report of Handling in relation to application 11/00897/IPL which states (Appendix 8, paragraph 28) that *"Kinfauns is a well established group of dwellings and that development within this building group would have less of an impact on the visual appearance of the area or the landscape character of a new dwelling in an isolated or prominent location. Although no details of the proposed house types (or which lines) have been submitted, it is my view that suitably designed buildings would have little adverse impact on the landscape character of the AGLV nor would development of this site result in a significant adverse visual impact. I fully appreciate that the Council have refused planning applications within the AGLV over the years and have been extremely successful in defending related appeals. However the majority of these have been on isolated sites with a lack of landscape framework. I therefore consider the proposal to be contrary to the AGLV Policy but consider the site's characteristics as a reason for ultimately recommending the approval, contrary to the development plan"*.
- 2.25 This recent planning approval for a proposed development within the AGLV raises entirely similar issues presented by this application. Both sites are recognised by the Planning Officers as being within an established landscape framework, capable of accommodating development. Of note in relation to this review, is that the application is detailed and has therefore enabled a careful and detailed evaluation of the relationship between the proposed buildings and landscape through the submission of a landscape and visual assessment, in order to quantify the potential impact.
- 2.26 It is within this context that whilst contrary to Policy 12 of the PALP, material considerations in the form of national planning policy issues post adoption of the PALP and recent planning decisions establish material considerations which in the opinion of the applicant override the presumption against development within the AGLV as promoted through Policy 12 of the PALP.
- 2.27 This then raises the issue of landscape and visual impact.



- 2.28 To this effect, the applicant appointed a professional landscape architect, Ian White Associates to undertake an assessment of the landscape character of the area and visual analysis of the proposal to determine the potential impact of the proposed development on the AGLV. The study guided the design process and forms part of this planning submission and is contained in Appendix 5.
- 2.29 In summary the assessment reflects best practice contained within the Landscape Institute's *Guidelines for Landscape and Visual Assessment Impact Assessment* (2nd Edition), Scottish Natural Heritage's *Landscape Character Assessment for England and Wales* and Scottish Natural Heritage Tayside *Landscape Character Assessment*. The approach adopted comprised;
1. consideration of the character of the landscape and context for the site
 2. establishing the nature of the views to the site from public viewpoint
 3. outlining a landscape strategy to ensure integration of the proposed development within the surrounding landscape and opportunities for landscape enhancement.
- 2.30 The zone of visual influence and viewpoints has been established and assessed.
- 2.31 A series of pre and post development assessments are modelled to determine the impact on character and setting of the proposed development.
- 2.32 A number of site visits were undertaken in differing weather conditions and at various times of day in order to form a considered assessment of the site and proposed development.
- 2.33 The assessment establishes that the character of the landscape is determined by pronounced landform, extensive woodland and the flat land of the Carse. There are buildings and groups of buildings throughout this landscape but these are relatively unobtrusive because they are usually enclosed by tree planting.
- 2.34 Local views of the site are limited due to landform, roadside planting and existing residential properties.
- 2.35 A landscape strategy has been designed to ensure the character and integrity of the AGLV is protected and indeed enhanced through the provision of a strong and permanent landscape framework for the proposed development. This will be achieved by extending the southern edge of Deuchny Wood and establishing new blocks of woodland planting between the building plots and existing properties. The enclosed woodland blocks will consist of mixed species to reflect the character of the existing woodland and include oak, beech, ash, scots pine and larch, with associated edge species. This would be detailed through a planning condition and protected through a burden on the respective property titles.
- 2.36 These planting blocks would also protect the amenity and privacy of the adjoining properties to the south of the site, notably *The Neuk*, *Tayview* and *Windyedge*. These landscape blocks have the potential to enhance the landscape setting of the AGLV by extending woodland corridors down from Deuchny Wood to join the woodland below



- the site so that from wider vantage points the AGLV is reinforced through new planting.
- 2.37 To avoid the buildings being viewed prominently, as is indeed the case with a number of properties in the locality, a considered material selection process will be adopted based on dark colour choices for windows, render and timber paint. This approach is designed to ensure the buildings fit into the landscape and protects the setting and character of the adjoining Kingswell farmhouse.
- 2.38 The assessment concludes that overall the site is well contained by existing strong landscape features which could absorb the proposed houses and that the development would not have an adverse impact on the character and integrity of the AGLV.
- 2.39 No evaluation of this landscape and visual assessment has been presented by the Council in order to counter the assessment of impact and proposed mitigation, including a detailed landscape strategy leading to the enhancement of the wider landscape, which is entirely consistent with the wider aims and objectives of the AGLV. As evidenced by this landscape and visual assessment, the proposed development is informed by landscape character and will facilitate a positive change. There is no evidence that the proposed development would have an adverse impact on the character and integrity of the AGLV for the site which as the planning officer acknowledges in his Report of Handling, has a “*good existing landscape framework which is entirely capable of absorbing the development which is proposed*” (Appendix 8).
- 2.40 The Planning Officer’s contention that a determining consideration for new development within the AGLV is whether or not they will have any impact (adverse or otherwise i.e. not visible) or ones which would result in negligible impact on the current landscape is questionable in that it has no policy basis nor does it reflect recent planning decisions as described above. Reference to the Landscape Institutes *Guidelines for Landscape and Visual Assessment Impact Assessment* (second edition), Scottish Natural Heritage’s *Landscape Character Assessment for England and Wales* and Scottish Natural Heritage’s *Tayside Landscape Character Assessment* detail nationally accepted procedures for the assessment and determination of visual impact. As described above these focus consideration on the character of a landscape, the nature of use to the site from public view points and the determination of a landscape strategy designed to ensure integration of the proposed development within the surrounding landscape and opportunities for landscape enhancement. This reflects national policy, as promoted by the SPP which is directed towards supporting and enhancing a vibrant and high quality rural environment as opposed to a focus on visible or negligible visible impact.
- 2.41 It is within this context that we consider the reason for refusal number 1 as having no sound basis and that the proposed development subject of this review complies with the provisions of Sections 25 and 37 (2) of the *Town and Country Planning (Scotland) Act 1997* as amended, by virtue of the location of the site, the proposed development,

the ability of the landscape framework to accommodate development, wider national policy support and the type of development and assessment process adopted and the landscape strategy embedded within the proposal. They establish that the determining issue is the capacity of the landscape to accommodate change within defined building groups. This submission demonstrates that the proposed development would not have an adverse impact on the character and integrity of the AGLV. Furthermore, the proposed planting would enhance the quality of AGLV, furthering the wider policy aims.

2.42 Reasons for Refusal 2 - Contrary to the Housing in the Countryside Policy 2009

2.43 *As a result of the proposal being contrary to a policy relating to a specific designation within the relevant Local Plan Policy 12 of the Perth Area Local Plan 1995 (incorporating Alteration No1, Housing Land 2000), the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) which seeks to ensure the Local Plan policies relating to specific designations are complied with.*

2.44 As the detailed policy assessment and landscape and visual assessment presented in the reasons for refusal 1 above have demonstrated, material considerations exist which outweigh the restrictive policy provisions contained within the *Housing in the Countryside Policy 2009* in relation to AGLV. As such it is considered that the reasons for refusal 2 are without basis.

2.45 Reasons for Refusal 3 – Contrary to Policy NE5 Greenbelts of the PKC Proposed Local Development Plan 2012

2.46 *The proposal is contrary to Policy NE5: Green Belt of the Perth and Kinross Council Proposed Local Development Plan 2012 as the site is located within an area identified as Green Belt. This policy states that the Housing in the Countryside Policy does not apply in the Green Belt.*

2.47 Perth and Kinross Council published the *Draft Proposed Local Development Plan* on 30th January 2012 with a 10-week period for Representations. The Plan has a draft status which will be tested through Local Plan Examination currently proposed (Development Plan Scheme January 2012) for summer 2013. Whilst a material consideration for the determination of a planning application, the weight that can be afforded to the Plan is minimal, as provided for in Circular 1/2009 *Development Planning*. The basis for this position is that the Plan is a reflection of the Council's intent for future land use strategy but this has not yet been tested through an Examination process in which the content can be independently assessed and third party objections given due consideration. At the point of determining this planning application, the *Proposed Plan* had completed its consultation period and Representations were being collated. The Plan had not (nor indeed has it at the time of this review) been submitted to Scottish Ministers nor had the period of Proposed Modifications been undertaken. The Plan is therefore at an important albeit formative stage of the process and is not yet a definite land use strategy. The weight that can be



attached to it and the determination of this review is therefore considered to be minimal.

- 2.48 Discussions between the applicant's team and the Council's Development Plan Team have established that in assessing the weight that should be attached to the Plan in the determination of a planning application, a key consideration is whether there are any unresolved objections in relation to a specific policy. In the context of Policy NE5 Greenbelt and the accompanying *Housing in the Countryside Policy*, the applicant's team have engaged actively in the review of the Plan submitting Representations on both the Consultation Draft and Proposed Plan stages of the new *Local Development Plan*. The objections submitted remain outstanding and will be the subject of negotiation with the Council and possible appearance of the Local Plan Examination. It is therefore the case that given these unresolved objections, limited weight can be attached to the Proposed Plan in the determination of this review.
- 2.49 The Report of Handling for the review site makes no reference to the Proposed Plan or the reason for refusal number 3. No objection was raised by the Council's Development Plan Team in relation to Policy NE5 Greenbelt which further demonstrates the absence of any policy basis for this reason for refusal.
- 2.50 Notwithstanding the above, had the Council determined the application by the target date of 11th November 2011 the Proposed Plan would not have been published and as such been a material consideration. As evidenced by the planning history (see Appendix 9), no information was outstanding to delay determination past the target date.

3.0 Conclusion

- 3.1 As evidenced in this planning statement, the applicant considers that the three reasons for refusal are without policy or technical basis and as such respectfully request that the Local Review Body grant planning permission for the development.
- 3.2 This position is based on the following facts:
- Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the determination of the planning application to be made in accordance with provisions of the development plan unless other material considerations indicate otherwise. Policies 12 and 32 of the Perth Area Local Plan 1995 have been superseded through the publication of the Scottish Planning Policy which advocates a policy regime based on facilitating positive landscape change, whilst maintaining and enhancing distinctive character. This main theme of taking a broad approach to landscape and natural heritage rather than just conserving designated or protected sites is further reflected by recent Perth and Kinross Council planning decisions within the locality of the review site, which have granted planning consent for residential development within the AGLV. It is within this context that whilst contrary to policies 12 and 13 of the Perth Area Local Plan, material considerations detailed in this statement, in the form of

national planning policy issues post adoption of the Perth Area Local Plan and recent planning decisions override in the opinion of the applicant the presumption against development within the AGLV.

- The Planning Officer has acknowledged that the site is entirely capable of absorbing the development proposed and that the proposed housing is of a tasteful design. This accords with the Council's *Housing in the Countryside* policy.
- The Planning Officers contention that a determining consideration for new development within the AGLV is whether or not they will have any impact (adverse or otherwise) on the current landscape is questionable, in that it has no policy basis and does not reflect recent planning decisions as described within this planning statement.
- No evidence has been presented by the Planning Officer during determination of the planning application to dispute the conclusions of the landscape and visual assessment accompanying the planning application. This assessment concludes that overall the site is well contained by existing strong landscape features which could absorb the proposed houses and the development would not have an adverse impact on the character and integrity of the AGLV. Furthermore it concludes that through the landscape strategy proposed the development will facilitate a positive landscape change. This would enhance the quality of the AGLV which is supported for the rural development and landscape and heritage policy provisions within the *Scottish Planning Policy*.
- The emerging Local Development Plan has a draft status and the weight that can be afforded to the plan is minimal, as provided for in circular 1/2009 *Development Planning*. At the point of determining this planning application, the Proposed Plan has completed its consultation period and representations were being collated. The applicant had submitted an objection to the proposed green belt extension and on the basis this objection remains outstanding it will become the subject of negotiation with the Council and possible appearance at the Local Plan examination. It is the case that given unresolved objections, limited weight can be attached to the Proposed Plan in the determination of this review. Notwithstanding the above, had the Council determined the application by the target date of 11th November 2011 as opposed to delaying by five months, the Proposed Plan would not have been published.
- The proposed development would have generated a commuted sum of £19,185 which would have delivered much needed affordable housing in a bleak economic period.

3.3 It is on this basis that the applicant considers the Council were unreasonable in refusing planning consent for application 11/01373/FLL and we respectfully request that the Local Review Body considers the applicant's grounds for review as presented

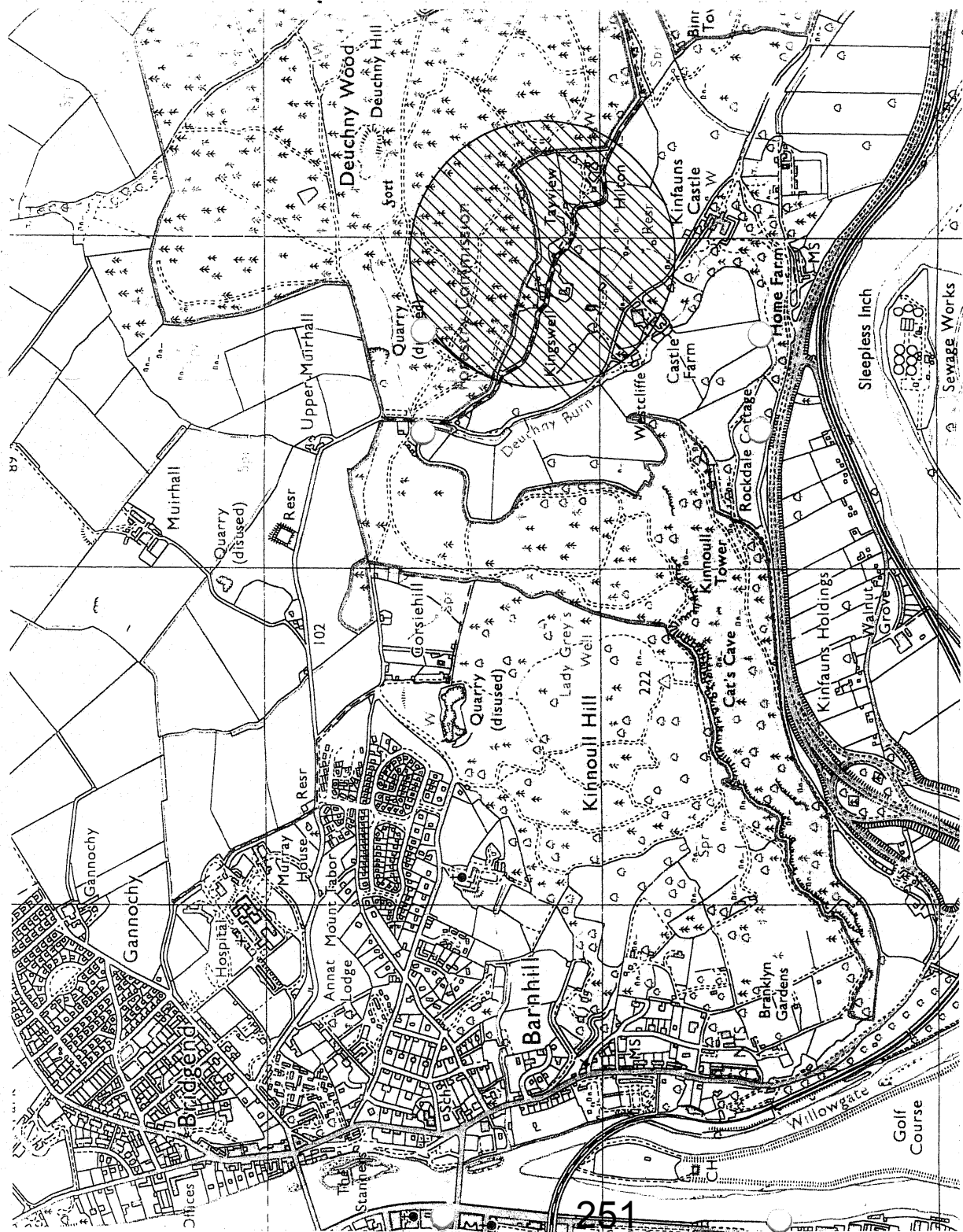


within this statement. To this end we respectfully request that the Local Review Body review the application, conduct a site visit and undertake a hearing in order to grant planning permission.

22nd June 2012
Ristol Ltd

Appendices

- 1 Site Location
- 2 Planning Application Form
- 3 Planning Application Supporting Statement
- 4 Planning Drawings
- 5 Landscape and Visual Assessment, undertaken by Ian White Associates
- 6 Copy of Planning Officers Pre-Application Consultation Response dated 8th May 2011
- 7 Perth and Kinross Council Decision Notice dated 11th April 2012
- 8 Perth and Kinross Council Officer's Report of Handling
- 9 Extract of Correspondence with Perth and Kinross Council throughout Determination of the Application
- 10 Extract from Report of Handling for Planning Application 11/00897/IPL
- 11 Scottish Planning Policy dated February 2010



<h1>James Denholm Partnership</h1> <p>Architects</p> <p>11 Dunira Street, Cornlie, Perthshire, PH6 2LJ Tel: (01764) 870899, Fax: (01764) 870995</p>			
Client	Private		
Project	Land Subject to Representations, Kingswell, Kinfauns, Perth.		
Drawing	Location Plan		
Scale	1:12500	Drawn	KK
Date	Aug 11	Rev. Date	
Job No.	3972	Dwg. No.	P05
		Rev.	

LOCATION PLAN



Key A: ROADWAYS TO PLOTS 3 AND 4 (REVISED)

Notes: All drawings are the property of James Denholm Partnership and should not be used for any other purpose without the written consent of James Denholm Partnership.

James Denholm Partnership

Architects

11 Queen Street, Perth, Perthshire, Scotland, PH1 1AA

Tel: 01794 430000 Fax: 01794 430000

Client: Private

Project: Land Subject to Representations, Kingswell, Kinfauns, Perth.

Drawn: Proposed Site Plan

Scale: 1:5000

Date: Jan 11

Page No: 3972

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SITE PLAN 1:1000



SKETCH ELEVATION house type B

APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR N LOWE	Ref No.	
Forename	NICK	Forename	MARK
Surname	LOWE	Surname	ANDERSON
Company Name	—	Company Name	MISTOL LTD
Building No./Name	KINGSWELLS	Building No./Name	7044 F5217K
Address Line 1	MURKALL ROAD	Address Line 1	CHAMBERLAIN
Address Line 2	KINTHUNTS	Address Line 2	STANBURY
Town/City	PERTH	Town/City	
Postcode	PH2 7LL	Postcode	FK8 3AQ
Telephone	—	Telephone	01786 465 782
Mobile	—	Mobile	07825 721 090
Fax	—	Fax	01786 471 738
Email	—	Email	MARK.ANDERSON@STANBURY.CO.UK

3. Postal Address or Location of Proposed Development (please include postcode)

LAND AT KINGSWELLS, MURKALL ROAD, KINTHUNTS, PERTH PH2 7LL.

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <input style="width: 150px;" type="text"/>	Date: <input style="width: 150px;" type="text"/>
--	--

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

5. Description of the Proposal

Please describe the proposal including any change of use:

THREE NEW RESIDENTIAL PROPERTIES WITHIN BUILDING GROUP

Is this a temporary permission?

Yes ☐ No ☒

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

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

6. Pre-Application Discussion

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

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☒ Telephone call ☒ Letter ☐ Email ☒

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

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

Name:

MR A BAYLER

Date:

8/05/11

Ref No.:

7. Site Area

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

Hectares (ha):

1.9 Ha.

Square Metre (sq.m.)

19130 m²

8. Existing Use

Please describe the current or most recent use:

FIELD (USED FOR GRASS)

9. Access and Parking

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

Yes ☒ No ☐

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

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

Yes ☐ No ☒

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

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

0

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

6

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

10. Water Supply and Drainage Arrangements

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

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

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

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

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

☐

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

☐

Please show more details on your plans and supporting information.

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

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

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

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

3.

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

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

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

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

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

Yes ☒ No ☐ N/A ☐

Signature:

Name:

C. McHUGH

Date:

5.08.2011

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

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

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

CERTIFICATE A

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

I hereby certify that -

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

Signed:

[Redacted Signature]

On behalf of:

N. Lown

Date:

5-08-11

CERTIFICATE B

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

I hereby certify that -

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

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Kingswell, Kinfauns, Perthshire

Supporting statement

Planning application for 3 residential properties

August 2011

1

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3.0 The proposal	3
4.0 Planning context	4
5.0 Conclusion	7

1.0 Introduction

Kingswell comprises a building group of 7 residential properties to the north of Kinfauns, Perthshire.

The application area totalsacres.

The site is on the southern edge of Duechny wood within flat grass land.

This detailed planning application is for 3 new houses sited within the building group and follows a pre consultation meeting on the 23rd February 2011 and subsequent layout and design modifications prepared by the James Denholm partnership.

This planning application comprises:

- Statutory application form
- Land ownership certificate A
- Planning application and advertisement fee
- Supporting planning statement
- Drawings –James Denholm Partnership
 - Application boundary plan
 - Existing site plan
 - Proposed site plan
 - House type A – layout and elevations
 - House type B – layout and elevations
- Landscape appraisal – Ian White Associates – June 2011
- Planning pre consultation report – May 2011

2.0 The site

The application site is grass land that wraps around and within the building group of Kingswell. The land is not part of an agricultural tenancy and is used for grazing. A mature band of trees borders the northern boundary of the site providing visual containment to the site. The eastern boundary is defined through the topography of the site and an existing property *Beechwood*. The western boundary is defined by a mature hedge.

No buildings within the group form part of a Conservation area.

Kingswell farmhouse which adjoins the site is a Listed building.

The site lies within a designated Area of Great Landscape Value (AGLV)

3.0 The proposal

This detailed planning application is for 3 detached residential properties, served by an existing access. Two house types are proposed.

The design of the properties reflects the policy framework contained in Perth and Kinross Council's *Housing in the Countryside Policy 2009*. Careful consideration has been given to the local vernacular

August 2011

and landscape setting and character, with ridge heights set at 1 ½ story, the layout adopting a linear form and the houses orientated on a north-south access. Materials treatment is a mix of stone, painted render and timber, with slate roofs, whilst the siting of the properties has been designed to ensure the buildings fit within the building group and protect the amenity of the adjoining properties.

The design approach has been informed by the parameters of the Listing of the adjoining Kingswell farmhouse in order to ensure the character and setting of the farmhouse is maintained. An evaluation of the proposal in relation to the farmhouse has been undertaken by renowned conservation architects Simpson and Brown which establishes that the proposed development subject of this application will not impact on the character and setting of Kingswell farmhouse.

An integral element of the design process has been the use of extensive tree planting between each proposed residential plot to reinforce the integration of the properties into the wider landscape to ensure landscape fit and enhance the AGLV, as detailed in section 4 below.

The internal site road will be tarmaced with passing bays with the access built to adoptable standards before resorting to a private road. No street lights are proposed.

The proposed properties will be served by mains water, electricity and BT. Heating, foul and surface water will be private. Individual septic tanks are proposed for each of the properties and surface water will be dealt with through herringbone drain. There is sufficient area to provide for this within the application site and the ground conditions have suitable porosity for drainage.

4.0 The planning context

The planning context for the application is established in the adopted Perth & Kinross Council's *Perth Area Local Plan 1995*, as supplemented by the *Housing in the Countryside policy 2009*.

Policy 32 of the *Perth Area Local Plan 1995* refers to housing in the countryside criteria for sites within landward areas. Since adoption of the Plan, the Council published new guidance in 2009 relating to housing in the countryside which now forms the basis for determining this planning application.

This planning application raises two key planning issues:

1. Compliance with the principle and design detailed for housing in the countryside
2. Impact on the Area of Great Landscape Value (AGLV).

The Council *Housing in the Countryside policy 2009* is the most recent expression of Council policy towards new housing and is applicable across the entire landward area and takes forward the policy direction contained within Policy 32 of the *Perth Area Local Plan 1995*. It recognises that most new housing will continue to be in or adjacent to existing settlements and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. This policy framework has informed and guided the project assessment and design process.

The relevant category for this proposal is category 1, which offers support for new dwellings that *extend existing building group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting.*

The policy also states that all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Kingswell is a building group by virtue of the 7 existing residential properties within a defined setting. The land subject of the planning application forms part of the building group and the proposed residential properties will be read as forming an integral part of the group and not as an extension. The policy criteria on siting, design and material selection have informed the detail of the application proposal as explained in section 3 above and shown in the accompanying planning drawings.

A pre consultation meeting with Council officer on the 23rd February and subsequent correspondence established that the site does form a building group and therefore the principle of development is acceptable. Furthermore, the Council have confirmed through the pre application consultation exercise that the density, layout and material treatment of the proposed development comply with the criteria contained within the *Housing in the Countryside policy*.

The proposed development would trigger contributions for education contribution, which would consist of a financial contribution, as calculated in accordance with the Council's *Planning Guidance Note* on Primary Education and New Housing developments.

In relation to Kingswell farmhouse which is Listed and adjoins the application site, policy 25 of the Perth & Kinross Council's *Perth Area Local Plan 1995*, notes that the setting of Listed buildings should be safeguarded. The design approach has been informed by the parameters of the Listing of the adjoining Kingswell farmhouse in order to ensure the character and setting of the farmhouse is maintained. An evaluation of the proposal in relation to the farmhouse has been undertaken by renowned conservation architects Simpson and Brown which establishes that the proposed development subject of this application will not impact on the character and setting of Kingswell farmhouse.

The relationship between the development proposal and the AGLV has been given careful planning and design consideration.

Policies 12 and 32 of the *Perth Area Local Plan* and the preamble within the *Housing in the Countryside policy 2009* list the criteria against which development within AGLV's should be assessed. There is a presumption against new houses in the AGLV except on the basis of operational need.

In terms of assessing the policy context it is important to note that the *Perth Area Local Plan* was adopted in 1995. Policy has changed since its adoption and recent planning decisions have established precedents that require consideration when determining the policy framework for development within AGLV's.

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Of importance is the *Scottish Planning Policy (SPP) 2010* which sets national planning policy. In relation to landscape and natural heritage, the SPP advocates a policy regime based on facilitating positive landscape change whilst maintaining and enhancing distinctive character. The main theme is one of taking a broader approach to landscape and natural heritage than just conserving designated or protected sites. The *SPP* seeks to encourage the siting and design of development within the countryside that is informed by local landscape character. This policy focus is less restrictive in principle than the 1995 *Perth Area Local Plan* and the *Housing in the Countryside* policy and directed towards the Government's aims of supporting and enhancing a vibrant and high quality rural environment. This will no doubt be addressed through the new Local Development Plan, yet in the interim the *SPP* is a material consideration in the determination of this planning application.

Recent planning consents within the locality have established that planning decisions for new housing within AGLV's are focused on assessing landscape impact and the potential for enhancement as opposed to refusal in principle. Of note is planning application 09/02019/FLL for the erection of a new house below the site at Westcliffe, Kinfauns. This site fell with the AGLV (and Historic Garden and Designed Landscape – which this application does not). Consent was granted in 2010. In relation to the AGLV, the Council's analysis concluded the site had a suitable landscape framework to accommodate the proposed development and therefore the application was in accordance with policy. The approach demonstrates that policy application is on protecting the AGLV from inappropriate development and where possible enhancing the landscape character of the AGLV.

Pre consultation meetings with the Council have set the parameters for determining the application. This is to ensure that the proposed development would have no adverse impact on the integrity of the AGLV, in order to demonstrate that the objectives of landscape protection and enhancement underpinning policy 12 of the *Perth Area Local Plan* and the *Housing in the Countryside Policy* are complied with and advanced.

To this effect, the applicant appointed a professional landscape architect, Ian White Associates to undertake an assessment of the landscape character of the area and visual analysis of the proposal to determine the potential impact of the proposed development on the AGLV. The study guided the design process and forms part of this planning submission.

In summary the assessment reflects best practice contained within the Landscape Institutes *Guidelines for Landscape and Visual Assessment Impact assessment* (2nd Edition), Scottish Natural Heritage's *Landscape Character Assessment for England and Wales* and Scottish Natural Heritage *Tayside Landscape Character Assessment*. The approach adopted comprised;

1. consideration of the character of the landscape and context for the site
2. establishing the nature of the views to the site from public viewpoint
3. outlining a landscape strategy to ensure integration of the proposed development within the surrounding landscape and opportunities for landscape enhancement.

The zone of visual influence and viewpoints has been established and assessed.

August 2011

A series of pre and post development assessments are modelled to determine the impact on character and setting of the proposed development.

A number of site visits were undertaken in differing weather conditions and at various times of day in order to form a considered assessment of the site and proposed development.

The assessment establishes that the character of the landscape is determined by pronounced landform, extensive woodland and the flat land of the carse. There are buildings and groups of buildings throughout this landscape but these are relatively unobtrusive because they are usually enclosed by tree planting.

Local views of the site are limited due to landform, roadside planting and existing residential properties.

A landscape strategy has been designed to ensure the character and integrity of the AGLV is protected and indeed enhanced through the provision of a strong and permanent landscape framework for the proposed development. This will be achieved by extending the southern edge of Deuchny Wood and establishing new blocks of woodland planting between the building plots and existing properties. The enclosed woodland blocks will consist of mixed species to reflect the character of the existing woodland and include oak, beech, ash, scots pine and larch, with associated edge species. This would be detailed through a planning condition and protected through a burden on the respective property titles.

These planting blocks would also protect the amenity and privacy of the adjoining properties to the south of the site, notably *The Neuk*, *Tayview* and *Windyedge*. These landscape blocks have the potential to enhance the landscape setting of the AGLV by extending woodland corridors down from Deuchny Wood to join the woodland below the site so that from wider vantage points the AGLV is reinforced through new planting.

To avoid the buildings being viewed prominently, as is indeed the case with a number of properties in the locality, a considered material selection process will be adopted based on dark colour choices for windows, render and timber paint. This approach is designed to ensure the buildings fit into the landscape and protects the setting and character of the adjoining Kingswell farmhouse.

The assessment concludes that overall the site is well contained by existing strong landscape features which could absorb the proposed houses and that the development would not have an adverse impact on the character and integrity of the AGLV.

5.0 Conclusion

The policy context for this planning application is found in the *Perth Area Local Plan 1995* and the *Housing in the Countryside policy 2009*.

The application raises two key planning issues – development within the AGLV and compliance with the detailed guidance on siting and design within the countryside.

The policy analysis and pre application consultation exercise has established that the *Perth Area Local Plan* of 1995 and the *Housing in the Countryside Policy* of 2009 pre date latest government August 2011

guidance on development within designated landscape. The *SPP* takes a broader approach to landscape heritage than previous policy and advocates a new policy direction based on facilitating development within the countryside to support the rural economy on the basis that the proposals are **informed by landscape character and facilitate positive change**. Recent planning decisions within the AGLV for small scale residential development confirm that this policy approach is being adopted in planning decisions and reflects pre application advice.

The landscape assessment undertaken by Ian White Associates has established that overall the site is well contained by existing strong landscape features that could absorb the proposed houses and that the proposed development would not have an adverse impact on the character and integrity of the AGLV. Furthermore, the proposed planting would enhance the quality of the AGLV.

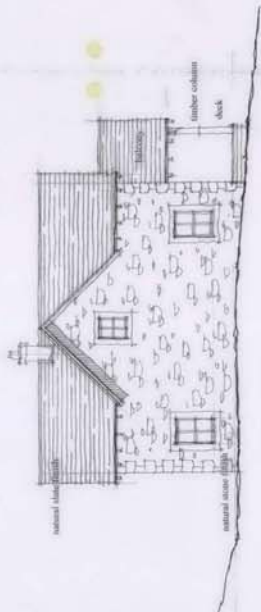
In relation to compliance with the detailed criteria within the *Housing in the Countryside policy*, the approach adopted to siting, layout and material selection of the proposed 3 residential units has been informed by policy as acknowledged through the pre application consultation process. An evaluation of the proposal in relation to the farmhouse has been undertaken by renowned conservation architects Simpson and Brown which establishes that the proposed development subject of this application will not impact on the character and setting of Kingswell farmhouse.

In terms of wider policy issues, the application will deliver a planning contribution to new education facilities at Kinoull primary School of £19,185 which is a significant sum in the current economic climate.

In conclusion this application complies with national and local planning policy through the assessment and design approach adopted, which has demonstrated that the application site can accommodate a development of 3 residential units that reflects the character of the area and enhances the wider landscape setting.



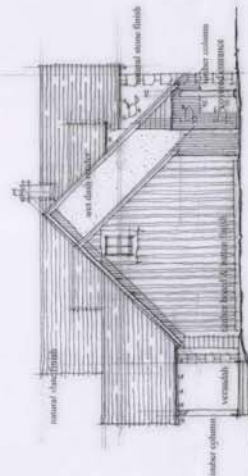
SOUTH ELEVATION



WEST ELEVATION



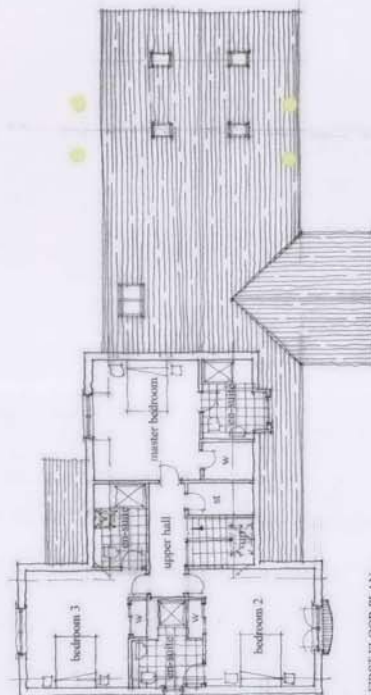
NORTH ELEVATION



EAST ELEVATION



GROUND FLOOR PLAN
138m² + 38m² garage

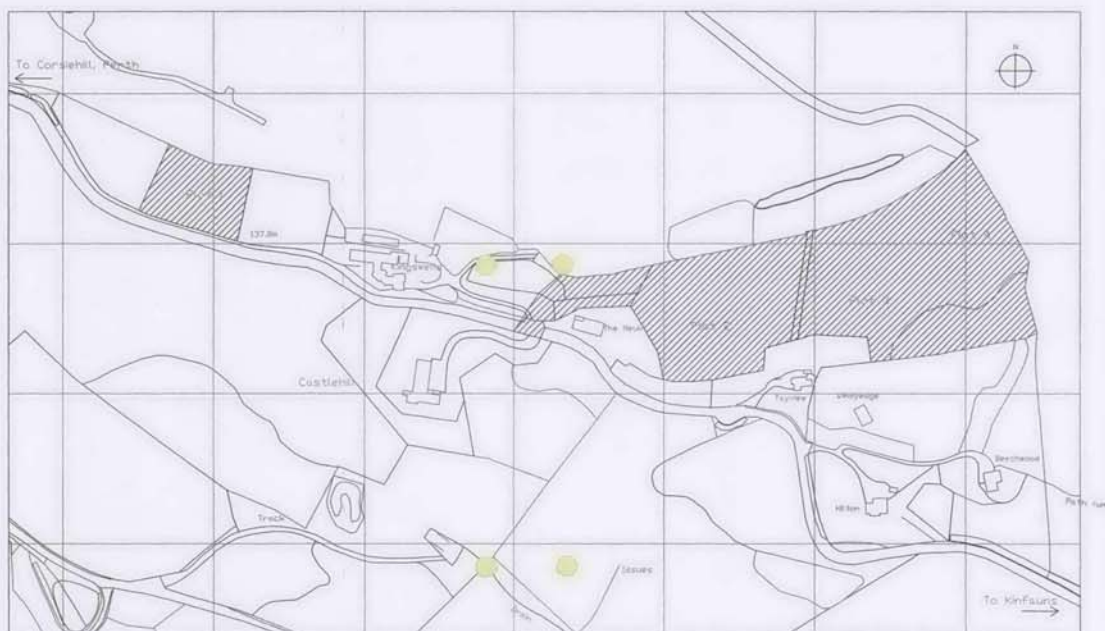


FIRST FLOOR PLAN
94m²

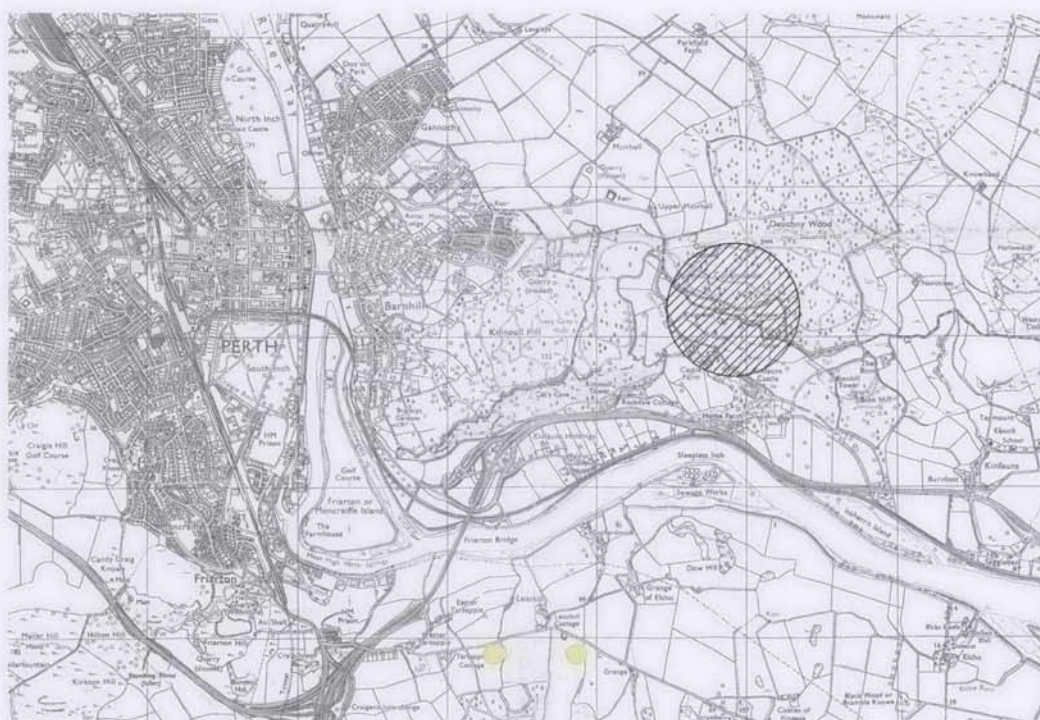
Rev A - house orientations added

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James Denholm Partnership
11 Queens Street, Perth, Western Australia, 6000
Tel: 08 9441 1700 Fax: 08 9441 8000

Client	Private
Project	Land Subject to Representations, Kingswell, Kintauna, Perth.
Drawn	Proposed Plans & Elevations House Type A (Plots 1 & 3)
Scale	1:100
Date	Jan 11
Drawn	KK
Check	Jan 11
Drawn	9972
Page	902
Page	A



LOCATION PLAN 1:2500



LOCATION PLAN

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James Denholm Partnership Architects

11 Dunira Street, Comrie, Perthshire, PH8 2LJ
Tel: (01764) 670899, Fax: (01764) 670995

Client	Private		
Project	Land Subject to Representations, Kingswell, Kinfauns, Perth.		
Drawing	Location Plan		
Scale	1:2500	Drawn	KK
Date	Aug 11	Rev.	Date
Job No.	3972	Orig. No.	P05
		Rev.	



Introduction

I am Ian White, Fellow of the Landscape Institute. In 1971 I founded Ian White Associates Landscape Architects and Planners, Stirling. I am now consultant to the practice. I act or have acted, as landscape consultant to the National Trust for Scotland, the National Galleries of Scotland, the National Museums of Scotland, Historic Scotland, the Universities of St Andrews, Edinburgh, Glasgow and Dundee, New Edinburgh Ltd, Waterfront Edinburgh, Parc Craigmillar, Scottish Enterprise and a number of local authorities throughout Scotland.

In June 2011 I was instructed by Ristol Ltd to carry out a landscape and visual appraisal of a proposed development of four houses at Kingswell, Kinfauns which is within an Area of Great Landscape Value (AGLV).

A preliminary consultation with Perth and Kinross Council (Andy Baxter) by Ristol Ltd identified the need to demonstrate that the proposed development would not have an adverse impact on the character and integrity of the AGLV.

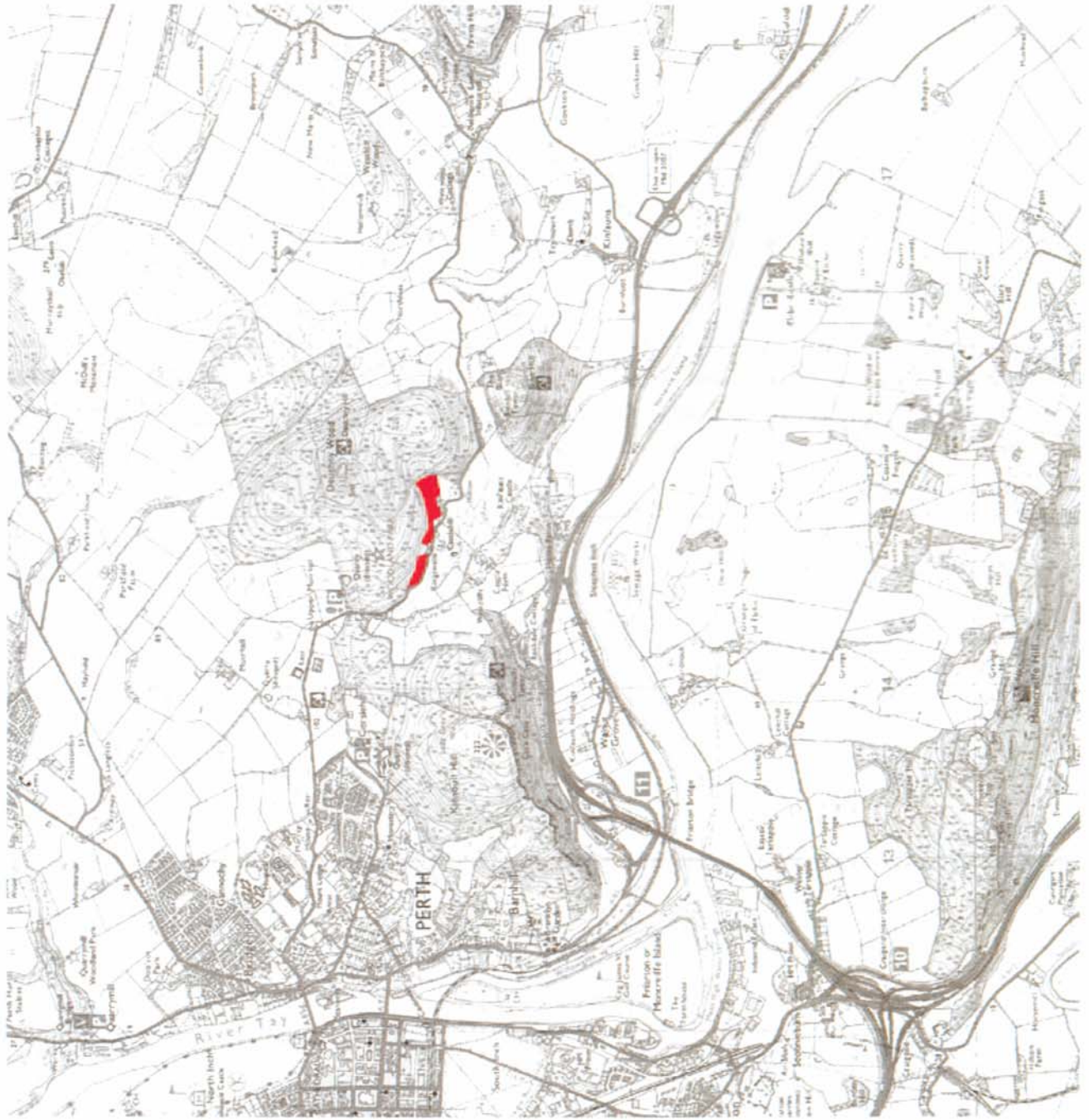
Accordingly my approach has been to:

- 1 Consider the character of the existing landscape and context of the site.
- 2 Establish the nature of views to the site from public viewpoints.
- 3 Outline a landscape strategy which will integrate the proposed development with the surrounding landscape.

I have visited the site and surroundings on three occasions during May/June under varying weather conditions and at different times of day. The appearance of the landscape and the proposed development will vary according to season, weather conditions and visibility.

I have also taken into account:

Toyside Landscape Character Assessment SNH 1999
Guidelines for Landscape and Visual Impact Assessment 2nd edition LI & IEMA
Landscape Character Assessment Guidance for England and Scotland CA & SNH.



Landscape Character

Context

The site of the proposed development is located on a south-facing slope within an Area of Great Landscape Value (AGLV) which forms an integral part of the setting of Perth.

The wooded slopes of Kinnoull Hill, Deuchny Hill and Binn Hill form a strong visual containment which falls southwards towards the designed landscape of Kinfauns Castle and the River Tay.

The character of the landscape is determined by pronounced landform, extensive woodland (conifer plantations on the upper slopes and deciduous on the lower), by flat carse land and by the river. There are buildings and groups of buildings throughout this landscape but these are relatively unobtrusive because they are usually enclosed by tree planting. The major structure in the landscape is the Friarton Bridge which carries the A90 across the river Tay.

Views

The site is on the southern edge of Deuchny Wood. It is in two sections on either side of the existing property at Kingswell.

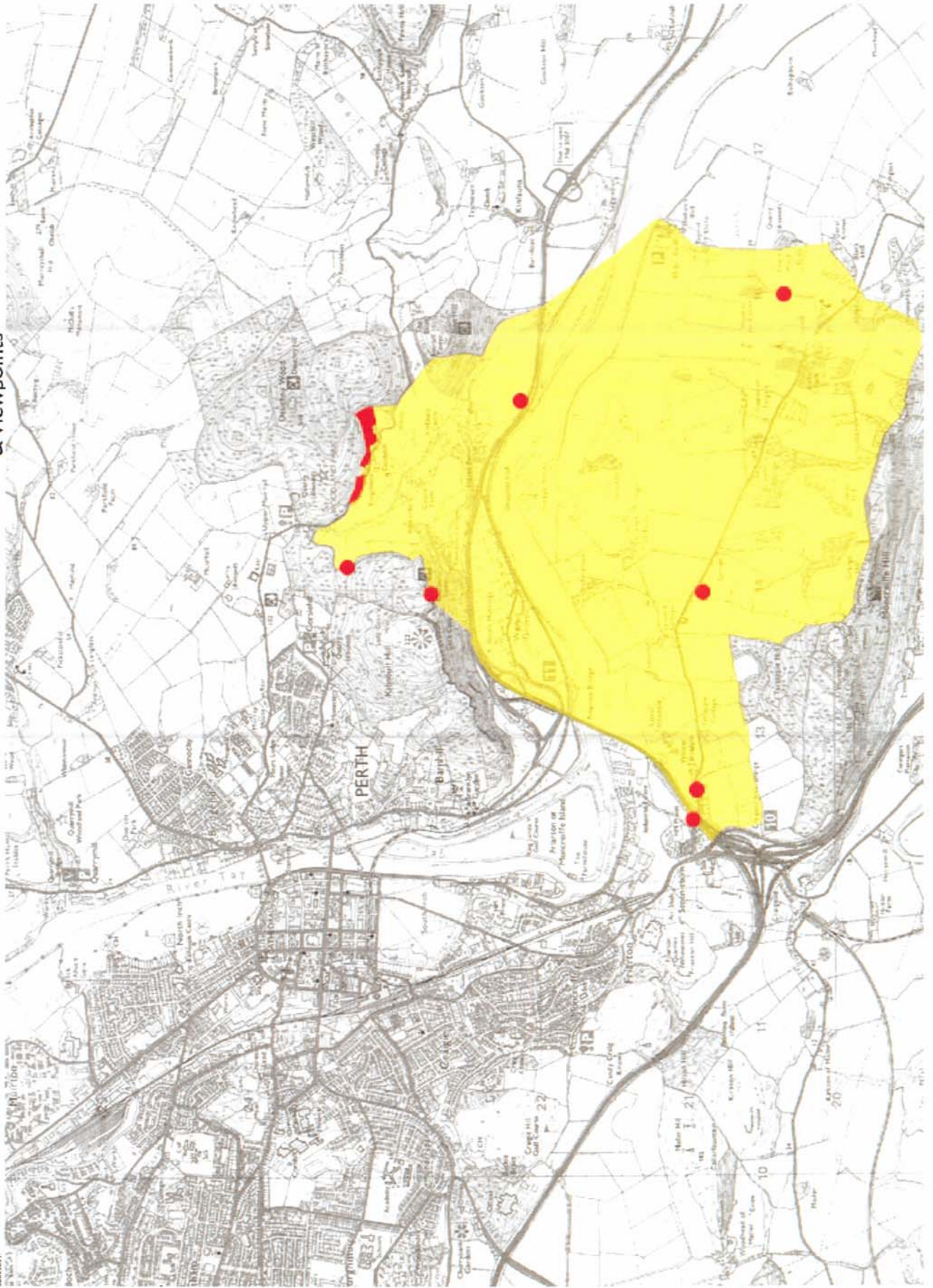
Local views of the site i.e. from the Muirhall/ Bathayock road are limited due to landform, roadside planting and existing residential properties. The principal views towards the site are from the north-facing slopes of Moncrieffe Hill and the Rhynd road. Views of the site are most prominent for northbound traffic on the A90 crossing Friarton Bridge. Views for southbound traffic are limited due to landform and intervening planting on the lower slopes around Kinfauns. The site is partially visible from the approaches to Elcho Castle as well as from the popular public footpath leading from the Deuchny Wood car park to Kinnoull Tower.

Overall the site, despite its elevation, is well-contained by existing strong landscape features.



Zone of Visual Influence & Viewpoints

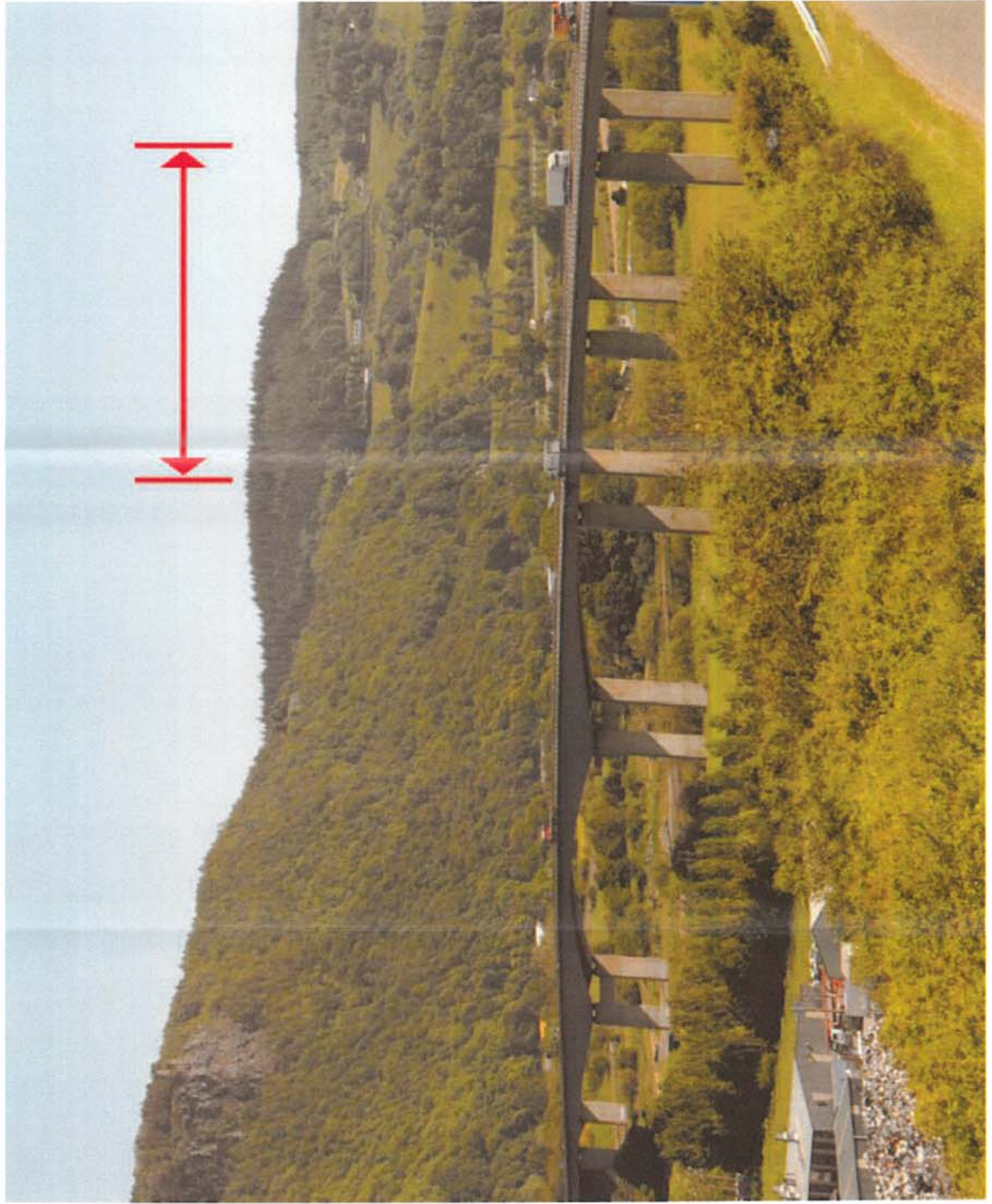
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CV56 4JH.



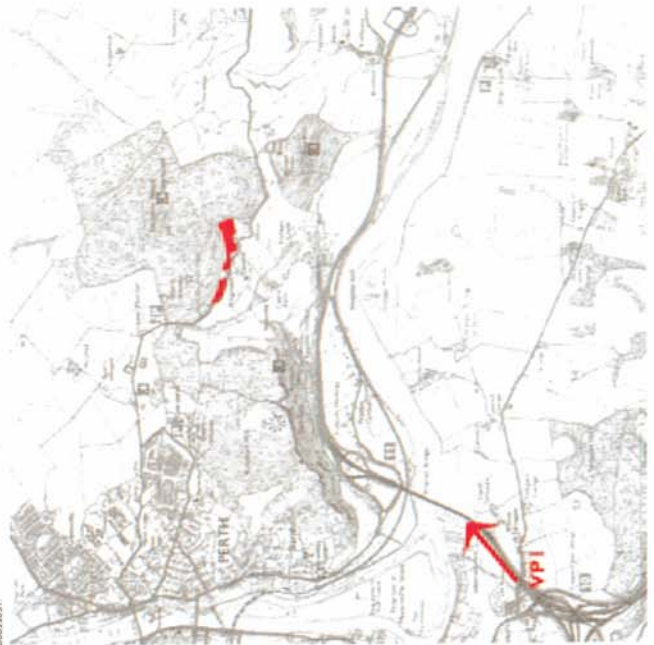
2 Views to the site

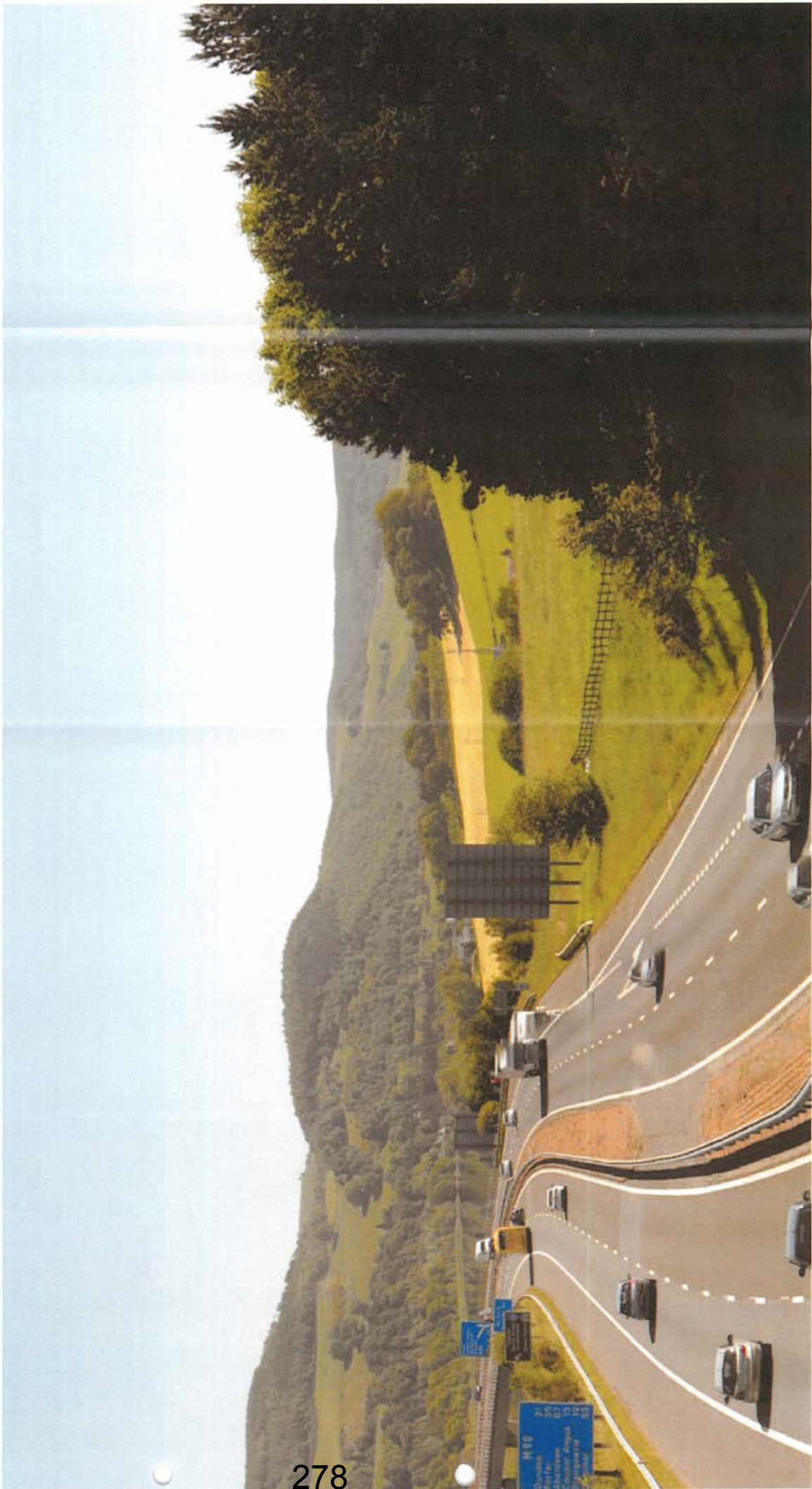
This view is taken from the overbridge at Rlynd road and approximates to the view which is seen by northbound traffic as it approaches Friarton Bridge.

The site is below the strong horizon formed by Deuchny Wood and is well contained by existing planting



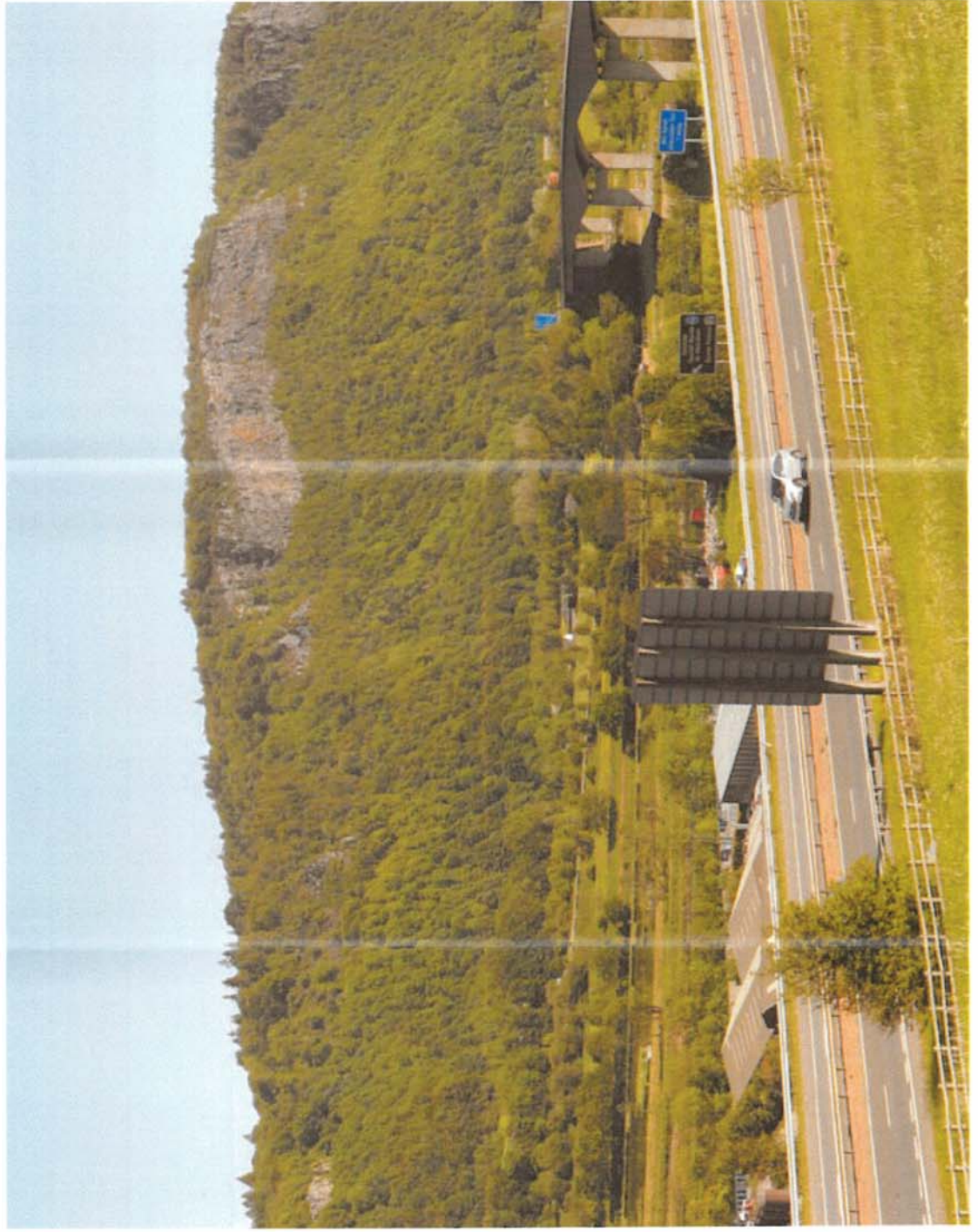
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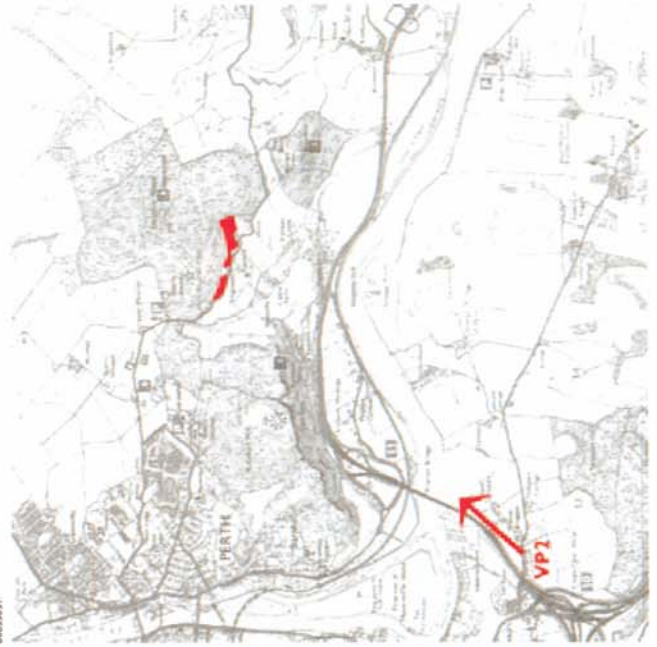


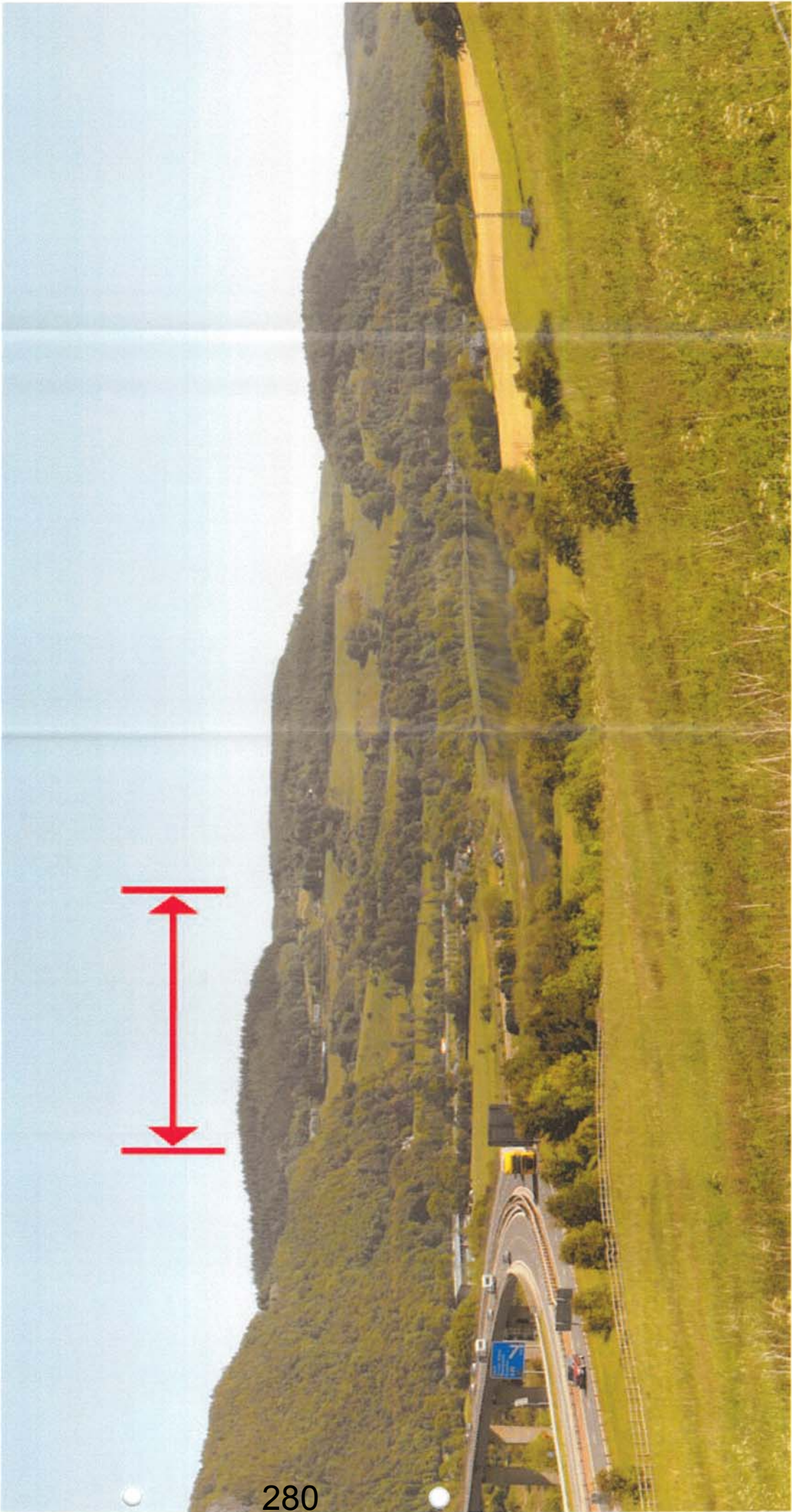
2 Views to the site^{cont}

This view is taken from a line of residential properties at Rhynd road and shows the relationship between the site and Kinnoull Hill, Binn Hill, and the River Tay.



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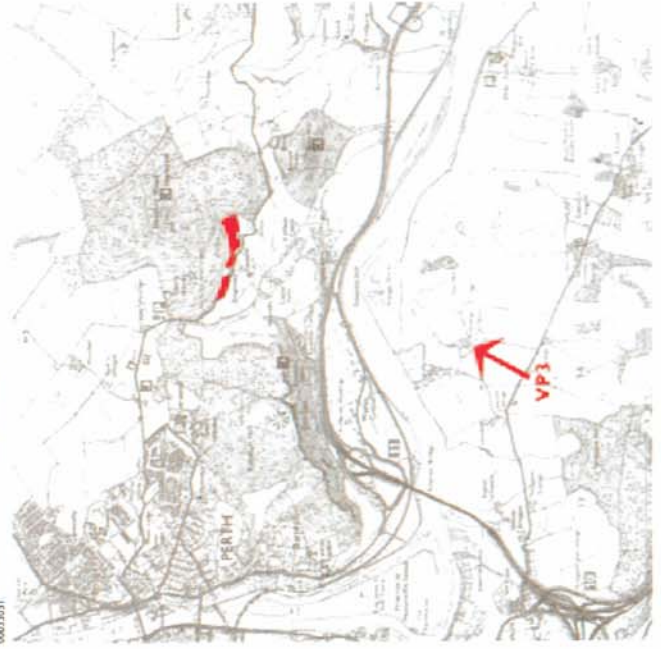
2 Views to the site cont

This view is taken from the recently constructed Moncrieffe Hill (Tay) car park.

From this viewpoint both sections of the site are visible.



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2 Views to the site cont

This view is taken from the approach to Elcho Castle.

Both sections of the site are visible but are partially screened by tree planting adjacent to existing properties.



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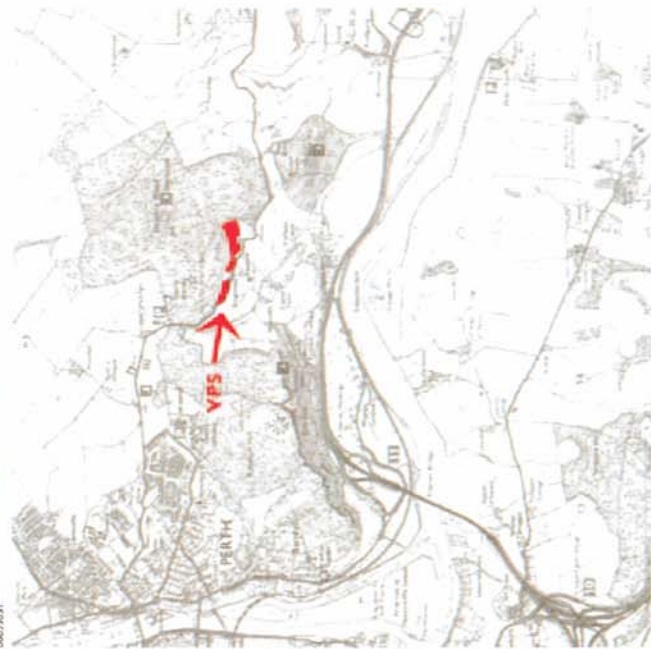


2 Views to the site^{cont.}

This view is taken from the popular public footpath from Deuchny Wood to Kinnoull Tower. It shows the strong edge of Deuchny Wood and both sections of the site on either side of Kingswell.



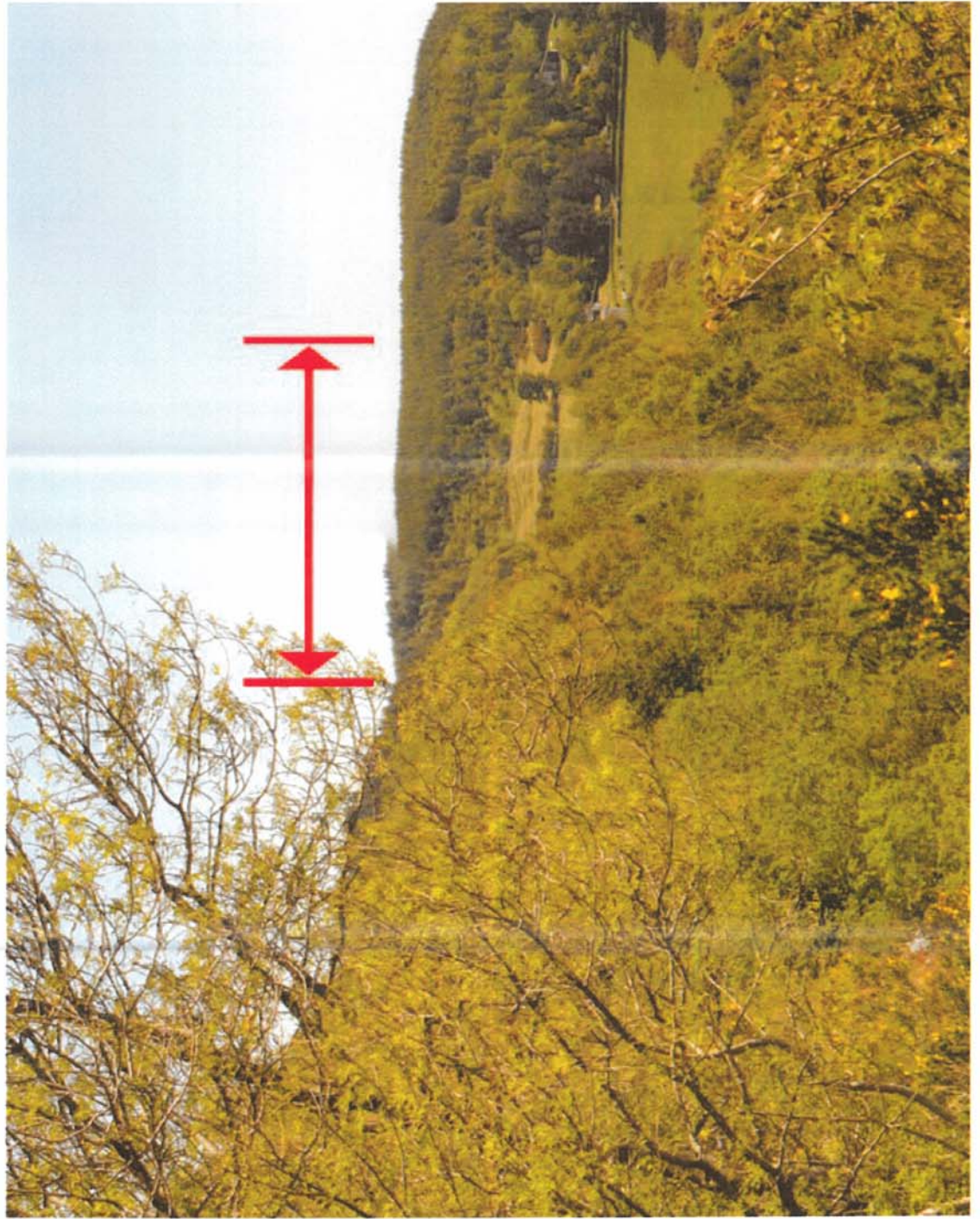
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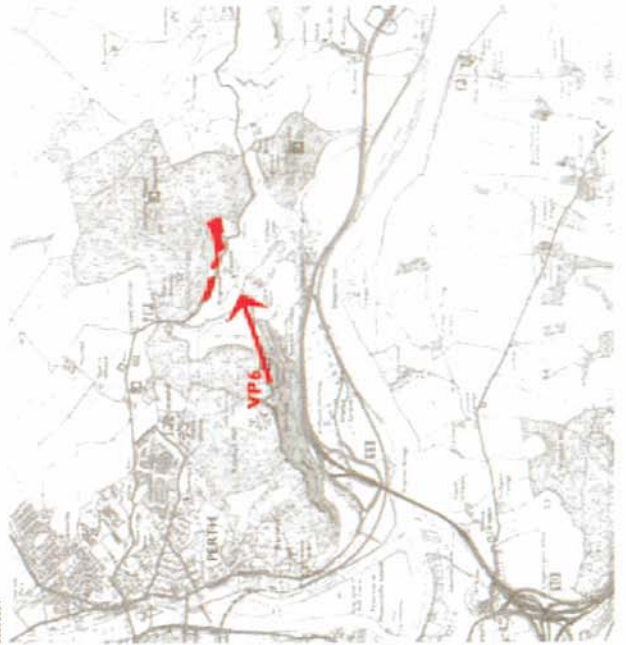


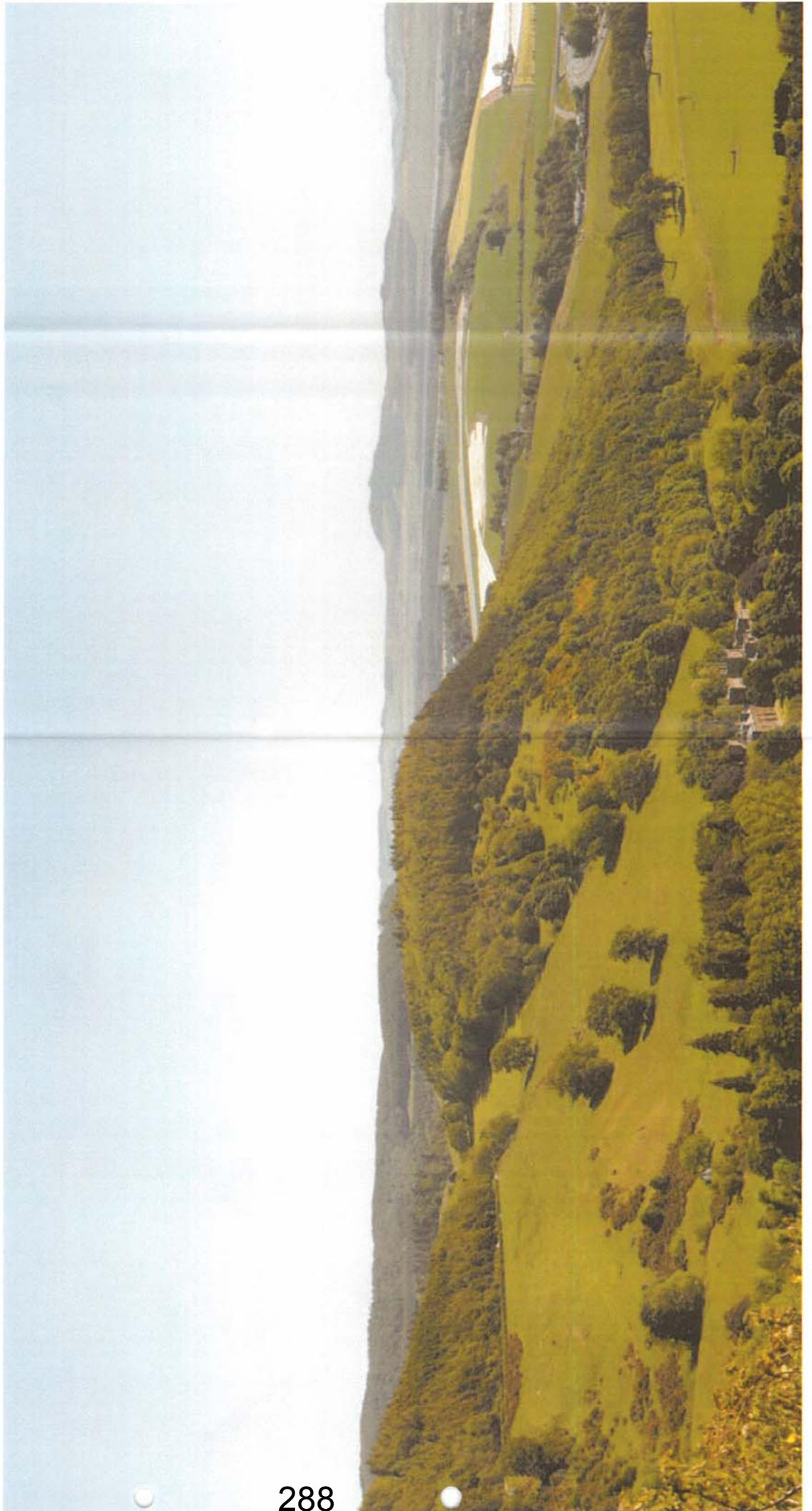
2 Views to the site cont.

This is the view from Kinnoull Tower.
The site is only partially visible.



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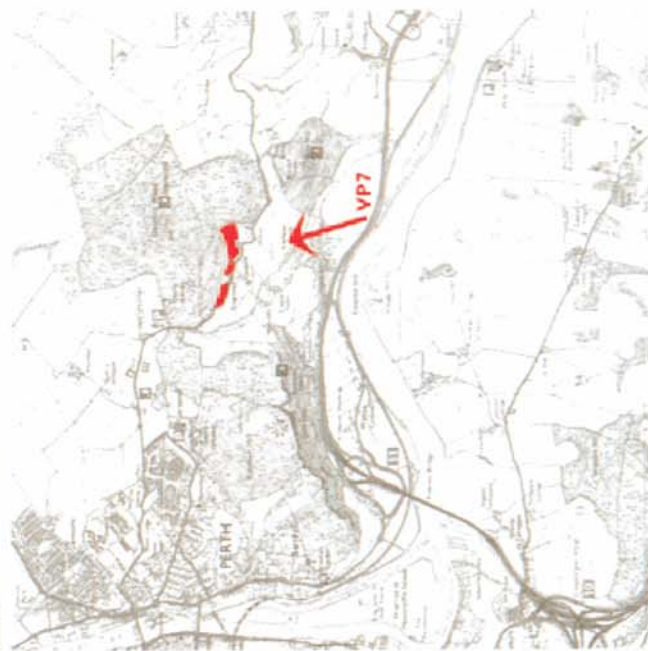




2 Views to the site cont.

This view is taken from the southbound layby on the A90.
The site is screened by tree planting associated with existing properties.

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3 Landscape Strategy

The aim of the landscape strategy is to protect and enhance the character and integrity of the AGLV by providing a strong landscape framework for the proposed development.

This will be achieved by extending the southern edge of Deuchny Wood and establishing new blocks of woodland between building plots and existing properties.

The enclosed woodland blocks will consist of mixed species to reflect the character of existing woodland. Species will include oak, beech, ash, Scots pine and larch together with associated edge species.

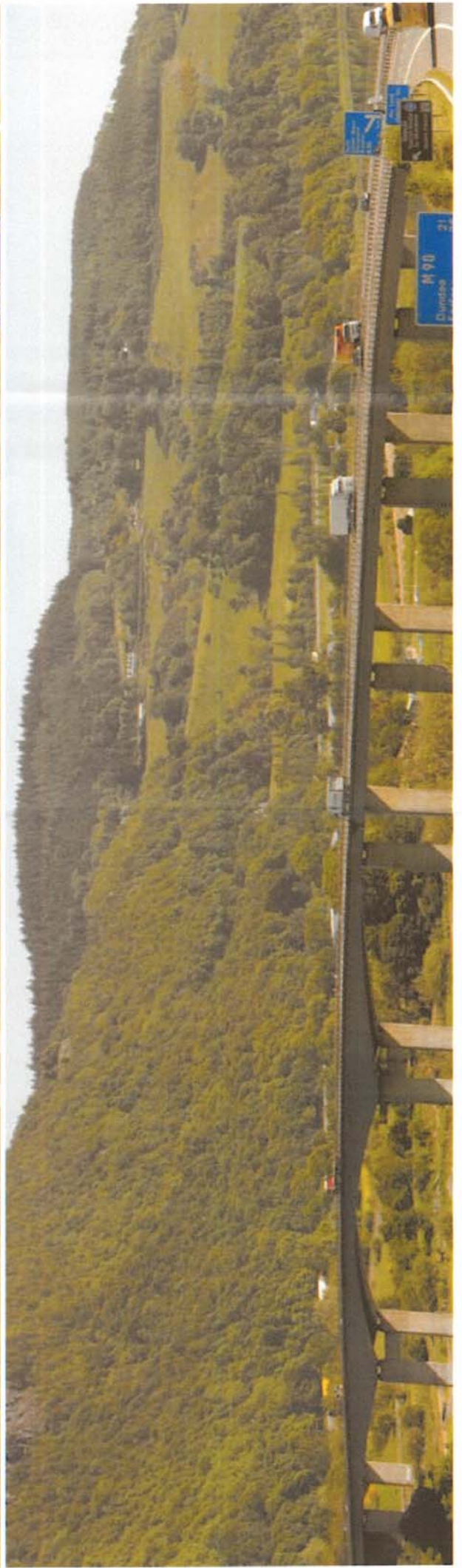
The visual impact of new buildings will be further reduced by the use of dark materials for walls and window frames and slate for roofs so that the buildings will recede into their woodland settings: this will avoid the buildings becoming prominent features by virtue of their colour as the property at "Beechwood" does at present.

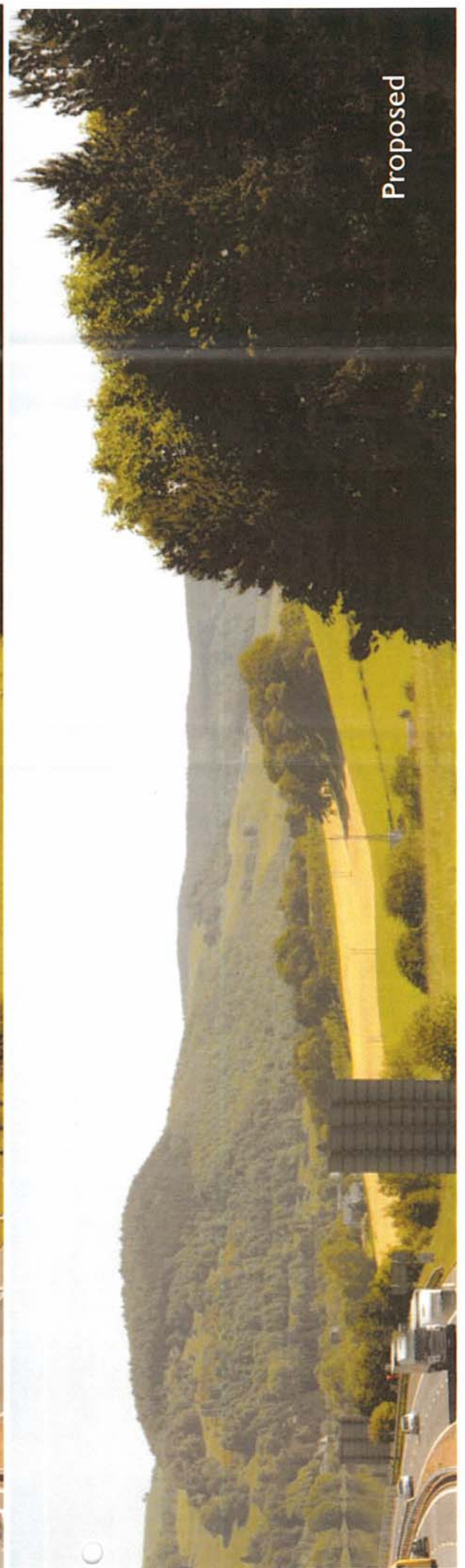
The visual impact of the proposed buildings will also be reduced as trees planted within garden plots mature as demonstrated by planting in existing properties.



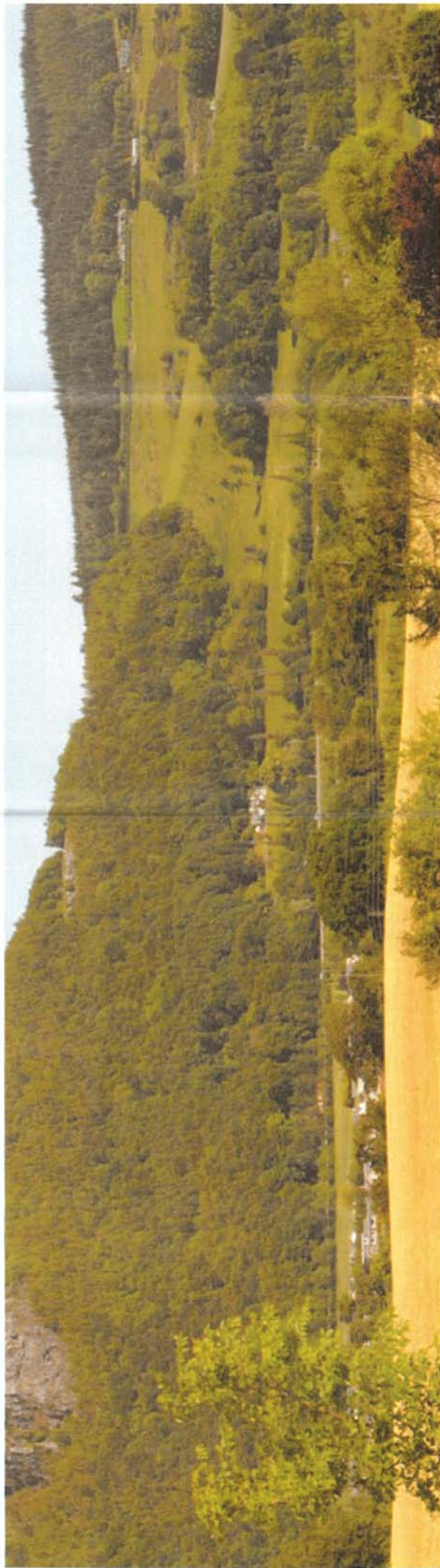


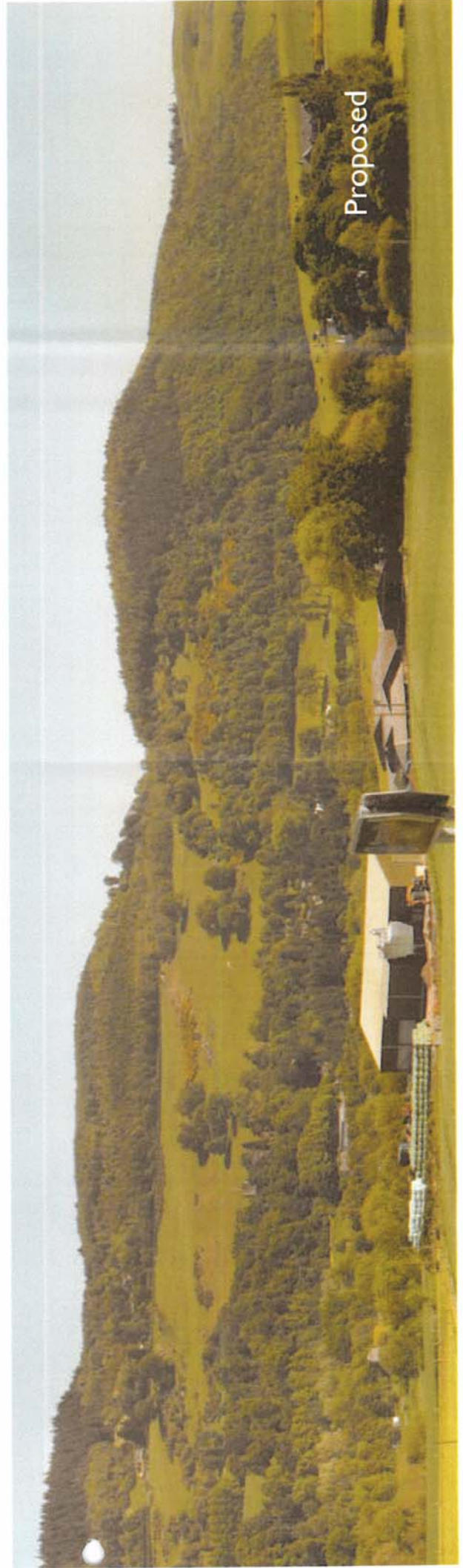
4 Visual Impact





4 Visual Impact





Mark Richardson

From: Andy Baxter [ABaxter@pkc.gov.uk]
Sent: 08 May 2011 13:20
To: Mark Richardson
Cc: Jimmy
Subject: Kinfauns

Hi Mark,

Please accept my sincere apologies for the delay in responding to your query in full.

A detailed response should have been issued to you sometime ago.

Nevertheless, I am now in a position to respond in detail. Although a couple of options was discussed on site, I shall base my response on a four dwelling proposal. As you are aware Sections 25 and 37(2) of the TCP (S) Act 1997 (as amended by the 2006 act) requires the determination of any planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. In terms of the Development Plan, although there are broad policies contained in the Structure Plan, the principal Development Plan policies which are relevant to this site are contained in the Perth Area Local Plan 1995 (incorporating alteration No1, Housing Land 2000) (PALP).

The site lies within the landward area of the PALP and within an area designated as being of great landscape value (AGLV), therefore the key test of this proposal compatibility with the Local Plan is whether or not the proposal is consistent with the requirements of Policy 32, which refers to Housing in the Countryside and Policy 12, which refers to development within the AGLV. Policy 32 of the PALP lists a number of categories of acceptable development within the Countryside which includes development within and adjacent to an existing building group; however the Policy also states that there will be presumption against new built development within the AGLV, unless the proposals relate to operational need. The presumption against built development within the AGLV is echoed in Policy 12.

In terms of other material considerations, these include assessment of the proposal against the Councils other approved policies namely the 2009 Housing in the Countryside Policy (HITCP) and the approved Planning Guidance Note (PGN) on Primary Education and New Housing Developments.

The 2009 HITCP is the most recent expression of Council policy towards new housing in the open countryside and is applicable across the entire landward area of Perth & Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. The relevant category in this instance is category 1, which

offers support for new dwellings that extend existing building group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. The policy also states that all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s). However, within the Policies preamble, it is stated that all developments must also comply with the specific landscape designations policies in the Local Plan, which in this case is Policy 12 of the PALP.

The approved PGN on primary education seeks a financial contribution (prior to a detailed consent) of £6395 per new main stream dwelling that are located within the catchment area a primary school that is operating at over 80%. In this case the local primary school would be Kinnoull Primary School. At the present time (and the foreseeable future) this primary school is operating at over its capacity therefore contributions for Primary Education will be most likely.

In terms of the overall merits of the proposal, I would consider the proposal to be consistent with the specific siting criteria relating to developments within / adjacent to existing building groups as contained in the Policy 32 of the PALP and the 2009 HITCP, however there is an underlining issue, as discussed previously, of the conflict in relation to compatibility with the restrictive AGLV policy, and the preamble of the HITCP 2009 - both of which seek to prohibit new built development within the AGLV unless they are associated with operational need.

As you are keen to progress this proposal to a formal planning application, to allow the Council an opportunity to consider supporting the proposal contrary to the Development Plan, as a minimum, I would strongly suggest that a supporting statement should be included with any formal planning submission which outlines your argument as to why the proposal would not have an adverse impact on the character of the AGLV - which, considering the landscape issues - may need to be supported by visual evidence (photomontages) from key view points to help demonstrate that the integrity of the AGLV is not comprised. As the overall aim of both the Local Plan and the 2009 HITCP is to protect the landscape character of the AGLV from inappropriate development there is in my personal opinion some scope for a departure from the Development Plan if it could be clearly demonstrated that there would be no adverse impact on the integrity of the AGLV.

I regret I can not be more positive at this stage, however at this early stage I can not give any absolute guarantees regarding the outcome of any future planning application particularly one which raises policies issues,

Andy Baxter

Planning Officer - Planning & Regeneration

Perth & Kinross Council

The Environment Service

Pullar House

35 Kinnoull Street

Perth PH1 5GD

Tel - 01738 475339

Fax - 01738 475310

Email - ABaxter@pkc.gov.uk <mailto:ABaxter@pkc.gov.uk>

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13 APR 2012

PERTH AND KINROSS COUNCIL

Mr N Lowe
c/o Ristol Ltd
Touch Business Centre
Touch Estate
Cambusbarron
Stirling
FK8 3AQ

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD


Date 11th April 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 11/01373/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 2nd September 2011 for permission for **Erection of 3 dwellinghouses Land 300 Metres East Of Kingswells Kinfauns** for the reasons undernoted.



 Development Quality Manager

Reasons for Refusal

1. As the proposal will have a visible impact on the landscape character of an area designated as being of Great Landscape Value (AGLV), the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000), both of which state that there will be presumption against built development within the AGLV designation, except for development necessary for operational need.
2. As a result of the proposal being contrary to a policy relating to a specific designation within the relevant Local Plan (Policy 12 of the Perth Area Local Plan 1995 (incorporating Alteration No1, Housing Land 2000), the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) which seeks to ensure that Local Plan policies relating to specific designations are complied with.

- 3 The proposal is contrary to Policy NE5: Green Belt of the Perth and Kinross Council Proposed Local Development Plan 2012 as the site is located within an area identified as Green Belt. This policy states that the Housing in the Countryside Policy does not apply in the Green Belt.

Justification

The proposal is contrary to the Development Plan, and there are no material reasons which justify approving the application.

Notes

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

Plan Reference

11/01373/1

11/01373/2

11/01373/3

11/01373/4

11/01373/5

11/01373/6

11/01373/7

PERTH AND KINROSS COUNCIL

ERECTION OF THREE DWELLINGS AT KINGSWELLS ROAD, KINFAUNS

DELEGATED REPORT OF HANDLING

Ref No	11/01373/FLL	Case Officer	Team Leader	Consent to be Issued?	
Ward	N1 – Carse			Yes	No
RECOMMENDATION					
Refuse the planning application on the grounds that the proposal is contrary to the Development Plan, the revised HITCP of 2009 and the Proposed Local Development Plan 2012.					

BACKGROUND & DESCRIPTION

The application site relates to a large paddock area to the north of a small group of residential properties located to the east of Kinoull Hill, along Kingswell Road. The main section of the site measures approx 250m in its length (west to east) and ranges from approx 60m-90m in its width (north to south). The 1.9ha site slopes generally south to north, with some degree of cross sloping in some parts of the site. The site is bounded to the north and east by mature woodland, and to the south and west by the curtilages of the existing neighbouring residential properties.

This planning application seeks to obtain detailed planning permission for the erection of three detached dwellings, with associated landscaping in-between the individual plots. The house types proposed are traditionally designed, and will offer accommodation over two levels with the upper level within the roof space.

A further planning application for a fourth house to a site to the west, is subject of a separate delegated report (11/01399/FLL).

APPRAISAL

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise.

In terms of the Development Plan, the principal policies are contained in the relevant Local Plan, which is the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) (PALP). As the site lies within the landward area of the PALP and within an area designated as being of Great Landscape Value (AGLV), the proposal must be assessed against PALP Policies 1, 12 and 32. Policy 1 relates to all new developments within the landward area and seeks (amongst other things) that all new sites are compatible with existing land uses and that all new sites have a suitable landscape framework which is capable of absorbing the development which is proposed.

Policy 32 refers to new housing in the countryside and lists a number of categories of development opportunities where new housing may be acceptable within the open countryside, whilst Policy 12 relates specifically to developments within the AGLV and states that there will be a presumption against new development within the AGLV, unless there is a proven operational need.

In terms of other material considerations, National Planning Guidance, and the Councils other approved policies on Primary Education and New Housing Developments and the revised HITCP (2009) which is the most recent expression of Council policy towards new housing in the open countryside are all material considerations.

Based on the above, I ultimately consider the key test(s) of the acceptability of this planning application to be based on two main issues, a) whether or not the site has a good existing landscape framework and the proposed residential use is compatible with its surroundings and b) whether or not the proposal is acceptable in land use terms, bearing in mind the provisions of the Development Plan.

I shall address these issues in turn.

Policy 1 of the PALP seeks to ensure that all new sites are compatible with existing uses and that all new sites have a good existing landscape framework. In terms of compatibility with existing land uses, as the immediate neighbouring land uses are principally residential, I have no particular issues with the compatibility of the proposal with the existing land uses. I do however note that some concerns have been raised within the representations concerning the potential impact that this proposal would have on existing private water supplies, which serve existing dwellings. My Environmental Health colleagues have commented on the proposal specifically on this matter and although they note the potential issues arising from the contamination of the private water supplies, they nevertheless do not object to the proposal subject to appropriately worded conditions being attached to any consent.

In terms of the existing landscape framework, the site is in my personal opinion clearly defined on all of its sides, and I consider the site to have a good existing landscape framework which is entirely capable of absorbing the development which is proposed. I therefore consider the proposal to be consistent with the aims of Policy 1 of the PALP.

Turning to the second issue, the acceptability of the land use (for residential), as the site falls within the landward area of the PALP, the proposal falls to be assessed against the Housing in the Countryside Policies (HITCP) as contained firstly within the Local Plan (Policy 32), and secondly, the revised HITCP of 2009. Both these versions of the HITCP offer some scope for the extension of existing building groups into definable sites, providing that the extension will not detract from the character or amenity of the existing group. However, within the preamble of the 2009 HITCP and within the text of Policy 32, it is clearly stated that all proposals must first comply with any specific designation policies, which in this case is Policy 12 of the PALP, which relates to the AGLV. Even without assessing the proposal against the building group specifics of either policy, the implications of Policy 12 should first be fully considered.

As a matter of fact, the proposal is contrary to the Policy 12 of the PALP as the explicit wording of the policy does not offer any scope for developments within the AGLV which are not associated with operational need. However, the Planning Service has historically taken the view in some recent cases to assess proposals within the AGLV on their own individual merits, taking into account their individual site

characterises and the likely impact on the visual amenity of the area and on the landscape character.

Proposals which have benefited from the support from the Planning Service (contrary to the Development Plan) have exclusively been proposals which have either offered no impact (adverse or otherwise i.e. not visible) or ones which would result in negligible visual impact on the current landscape. In this case, despite the sites mature boundaries, the site will clearly be visible from a number of view points in its current form, the introduction of housing (albeit of a tasteful design) and will inevitably result in a significant impact on the visual appearance of the landscape, which is perhaps magnified to some extent by the size of area which is being developed. Without assessing whether or not this impact would be adverse or not, the fact that it has been clearly demonstrated through the applicant's visualisations that the development of this site will material change the appearance of the landscape, limits my ability to consider offering support for this proposal. In order to consider supporting a proposal within the AGLV, which potentially results in a visual change in the appearance of the landscape, the proposal would need to have negligible impact from both short and long views into the site and the proposal not be altering the appearance of the landscape in any way, either positive or negatively i.e. *such as at Over Kinfauns -11/00897/IPL.*

Although this particular site will be seen with several buildings to its frontage from some southerly direction view points, I consider the introduction of three houses on rising land to ultimately result in a significant change in the appearance of the existing site and in my opinion this does not allow for the opportunity to depart from the Development Plan or the 2009 HITCP policy. I therefore consider the proposal to be contrary to both the Development Plan and the 2009 HITCP.

In terms of other material considerations, the approved Planning Guidance Note on Primary Education and New Housing Development seeks a financial contribution of £6,395 per residential unit in areas where the local primary school is operating at over its 80% capacity. In this case as the site falls within the school catchment of Kinnoull PS, which is presently operating at over its 80% capacity, if an appeal to the Councils LRB were to be successful, a formal decision should not be issued until such time as £19,185 (3x £6395) has been received or the delayed payment of this sum has been secured via the conclusion of a legal agreement.

Lastly, since this planning application was submitted the Council have approved its proposed Local Development Plan 2012. This Plan is now considered to be a material consideration in the determination of planning applications. Within this Plan, the site lies within an area designated as Green Belt, which encompasses Kinnoull Hill and land to its east. The Green Belt policy within the Proposed Plan is similarly aligned to the restrictive requirements of Policy 12 of the PALP, insofar as it seeks to ensure no development occurs within this specific area, without an operational need justification and specifically states that the HITCP 2009 will not apply within the Green Belt. Although this Plan is relatively new and the wording (and implementation) of the specific Green Belt policy has not yet been tested at either the DC Committee or on Appeal, I consider a similar approach to assessing proposals within the Green Belt as outlined previously in respect of the AGLV to be reasonable. To this end, I consider the proposal also to be contrary to the Policy NE5 of the Proposed Local Development Plan 2012.

Based on the above, I consider the proposal to be inconsistent with the Development Plan, the 2009 Housing in the Countryside Policy and the 2012 Proposed Local Development Plan and recommend the application for a refusal.

DEVELOPMENT PLAN

The Development Plan for the area comprises the approved Perth & Kinross Structure Plan 2003 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). Although there are broad policies of relevance contained in the Structure Plan, the specific Development Plan policies are found in the Local Plan.

Within the Local Plan, the site lies within the landward area where Policies 2 and 32 are directly relevant.

Policy 1 (General Landward) seeks (amongst other things) to ensure that all new proposals are compatible with the existing land uses and that all new sites have a good landscape framework.

Policy 32 (Housing in the Countryside) is the Council wide policy on Housing in the Countryside which applies within most of the Landward Area. The policy outlines a number of categories for opportunities for new housing in the open countryside, providing that specific siting criteria can be achieved.

In addition, the site lies within an area identified as being one of Great Landscape Value, where *Policy 12* is directly applicable. Policy 12 states that there will be presumption against development within this area, except for operational need.

NATIONAL PLANNING GUIDANCE / POLICIES

The Scottish Government expresses its planning policies through the National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars

The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are Paragraphs 92-96 which relate to Rural Development.

Planning Advice Note 73 – Housing in the Countryside

Designing Places, published in November 2001, sets out the then Scottish Executive's expectations of the planning system to deliver high standards of design in development for rural and urban areas. The design based Planning Advice Note (PAN) series is an additional means by which we can maintain the profile of design and identify best practice in planning for high quality development. This PAN supersedes and reinforces many of the key themes set out in *PAN 36 Siting and Design of New Housing in the Countryside* (published in 1991) and brings the advice up to date with the new emphasis on design and quality. The advice in this PAN sets out key design principles which need to be taken into account: by applicants when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications. The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.

OTHER COUNCIL POLICIES

Housing in the Countryside Policy 2009

This policy is the most recent expression of Council policy towards new housing in the open countryside, and is applicable across the entire landward area of Perth & Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained in the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. Of particular relevance to this planning application is Section 1 which relates to development which extends existing building groups into definable sites. In addition, the 2009 policy states within its preamble text that all proposals must also comply with the specific designation policies, which in this case is Policy 12 of the PALP which relates to development within the AGLV.

Planning Guidance Note – Developer Contributions May 2009

Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note–Primary Education & New Housing Development May 2009

This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

Proposed Local Development Plan 2012

Within the proposed plan, the site lies within an area identified as Green Belt where there is a presumption against new development.

SITE HISTORY

There has been no formal site history relevant to this proposal.

PKC CONSULTATIONS

The Executive Director (ECS) has commented on the proposal and have indicated that as the local primary school (Kinnoull PS) is operating at over its 80% capacity, a financial contribution would be required prior to any consent being formally issued as per the requirements of the approved PGN.

The Environmental Health Manager has commented on the proposal (in terms private water supplies and has raised no objection, subject to an appropriate condition being attached to the consent.

Transport Planning have commented on the proposal and raised no objection.

Waste Services have commented on the proposal and have raised no objection, subject to conditions.

EXTERNAL CONSULTATIONS

Scottish Water have been consulted on the planning application and have raised no objection.

BGKCC have commented on the proposal and raised an objection based on road safety issues.

TARGET DATE: 2 November 2011

REPRESENTATIONS RECEIVED

Thirteen letters of representations have been received, the majority from local residents, all objecting to the proposal.

The main issues raised within the representations are,

- Impact on Private Water supplies and drainage
- Impact on road safety
- Proposal is Contrary to the Development Plan
- Proposal is Contrary to the 2009 HITCP
- Proposal is Contrary to national guidance
- Proposal is Contrary to the proposed LDP
- Proposal is Contrary to previous Council decisions

These issues are addressed in the appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	Landscape Appraisal which includes a series of visualisations

PUBLICITY UNDERTAKEN

The planning application was advertised in the local press on the 9/9/11.

LEGAL AGREEMENTS REQUIRED

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDED REASONS FOR REFUSAL

- 1 As the proposal will have a visible impact on the landscape character of an area designated as being of Great Landscape Value (AGLV), the proposal is contrary to Policies 12 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000), both of which state that there will be presumption against built development within the AGLV designation, except for development necessary for operational need.
- 2 As a result of the proposal being contrary to a policy relating to a specific designation within the relevant Local Plan (Policy 12 of the Perth Area Local Plan 1995 (incorporating Alteration No1, Housing Land 2000), the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) which seeks to ensure that Local Plan policies relating to specific designations are complied with.

JUSTIFICATION

The proposal is contrary to the Development Plan, and there are no material reasons which justify approving the application.

INFORMATIVES

None

PROCEDURAL NOTES

None

REFUSED PLANS

11/01373/1 – 11/01373/7 (inclusive)

Note

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

Mark Richardson

From: Andy Baxter [ABaxter@pkc.gov.uk]
Sent: 04 November 2011 08:30
To: Mark Richardson
Subject: RE: Applications 11/01373/FLL and 11/01399/FLL Kingswell

Morning Mark, and apologies for the delay in getting back to you.

The final recommendation has yet to be decided, however once I am in a position to confirm the recommendation I will let you ASAP.

Andy

From: Mark Richardson [mailto:Mark.Richardson@studioristol.com]
Sent: 31 October 2011 14:27
To: Andy Baxter
Subject: RE: Applications 11/01373/FLL and 11/01399/FLL Kingswell

Dear Andy,

I hope you are well.

Sorry for all the messages - I know you're busy.

I just wondered if you had drafted the committee report and recommendation for the above applications. Nothing on the web so far.

Many thanks

Mark

Mark Richardson
Director

Ristol Ltd
Couch Estate
Cambusbarron, Stirling FK8 3AQ
t. 01786 465 782
m. 07825 712090
f. 01786 471 438

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Sent: 04 November 2011 10:36

To: 'Andy Baxter'

Subject: RE: Applications 11/01373/FLL and 11/01399/FLL Kingswell

Dear Andy,

Many thanks. It was good to talk and I appreciate your efforts.

I look forward to hearing from you after your internal review. As discussed, I'm happy to come in and run through the project with Anne & Nick if this assists.

I hope the planning statement we submitted assists consideration. As we advanced in the application, the *SPP* and precedents (which are material considerations), take a broader approach to landscape heritage than adopted policy, advocating a direction based on facilitating rural development that is informed by landscape character and facilitates positive change. To this extent, we believe the AGLV policy objectives are met and advanced through the landscape and visual assessment, which meets the two key criteria of site capacity to accommodate the proposal and the enhancement of the planting proposal.

I hope this assists!

Best wishes,

 Mark

From: Andy Baxter [mailto:ABaxter@pkc.gov.uk]

Sent: 04 November 2011 08:30

Mark Richardson

From: Mark Richardson
Sent: 05 December 2011 08:59
To: [REDACTED]
Cc: 'Jimmy'
Subject: FW: Kinfauns

Nigel,

For info.

Regards

Mark

From: Mark Richardson
Sent: 05 December 2011 08:58
To: 'Andy Baxter'
Subject: RE: Kinfauns

Andy,

No problems. Thanks.

As discussed, if there is any concern over the landscape and associated policy assessment, I'd appreciate meeting with you and Ian White landscape architect prior to a decision being made.

Best wishes,

Mark

From: Andy Baxter [<mailto:ABaxter@pkc.gov.uk>]
Sent: 05 December 2011 08:35
To: Mark Richardson
Subject: Kinfauns

Morning Mark,

I understand you have been on the phone chasing an update on this one, I will be able to update you later this week as to what way we are heading.

Andy

Andy Baxter
Planning Officer (Planning & Regeneration)
Perth & Kinross Council
The Environment Service
Pullar House
Perth
PH1 5GD

Tel - 01738 475339
Fax - 01738 475310
Email - ABaxter@pkc.gov.uk
Web - www.pkc.gov.uk

To: 'Andy Baxter'
Subject: Applications 11/01373/FLL and 11/01399/FLL Kingswell

Dear Andy,

I hope you are well. I've left a number of messages over the past weeks to find out where matters stand relative to both planning applications. As emailed on the 5th, I would be happy to meet with our landscape advisors, Ian White to review both projects should this assist advancing determination.

Best wishes,

Mark

Mark Richardson
Director

Ristol Ltd
Touch Estate
Cambusbarron, Stirling FK8 3AQ
t. 01786 465 782
m. 07825 712090
f. 01786 471 438

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Mark Richardson

From: Mark Richardson
Sent: 10 February 2012 11:34
To: 'Andy Baxter'
Subject: RE: Kingswells, Kinfauns - Applications 11/01373/FLL and 11/01399/FLL

Dear Andy,

Just a note to see how matters are progressing with the application?

Regards

Mark

From: Andy Baxter [mailto:ABaxter@pkc.gov.uk]
Sent: 26 January 2012 13:03
To: Mark Richardson
Subject: RE: Kingswells, Kinfauns - Applications 11/01373/FLL and 11/01399/FLL

Hi Mark,

We are still considering your sites, and we hope to make a decision on what the final recommendation will be shortly, and are conscious of your willingness to meet should the recommendation be refusal.

Andy

From: Mark Richardson [mailto:Mark.Richardson@studioristol.com]
Sent: 18 January 2012 13:50
To: Andy Baxter
Subject: RE: Kingswells, Kinfauns - Applications 11/01373/FLL and 11/01399/FLL

Dear Andy,

I hope you are well. Further to our conversations and email below, I note that the Over Kinfauns application as approved at Committee today. Hopefully this assists a favourable determination of the above planning applications?

Best wishes,

Mark

From: Mark Richardson
Sent: 16 January 2012 15:27
To: 'Andy Baxter'
Subject: Kingswells, Kinfauns - Applications 11/01373/FLL and 11/01399/FLL

Dear Andy,

Thankyou for the telephone call on Thursday, which I appreciated.

I look forward to your assessment of the project and thankyou for confirming that should you be minded to recommend refusal, that a meeting with myself and the project landscape architect can be arranged pre determination to review the assessment of the project against the AGLV and associated policy context.

I read with great interest the 18th January Committee Report for application **11/00897/IPL** in relation to a development of two houses at Over Kinfauns. This raises very similar policy issues to the two applications at

Kingswell and it is reassuring to see this application has been recommended for approval. I note that the application generated similar numbers of local objection to the above Kingswells applications and appreciate it will need to go to committee.

Of relevance to the Kingswell applications are:

1. The role of building groups in determining the capacity of a rural site to accommodate development;
2. The policy conclusion that a site's characteristics, including building groups and associated landscape containment, present themselves as material considerations to justify approval.

I believe through the approach adopted for the Kingswells proposals in **identifying** the development sites, the **siting** and **materials** of the properties and the **landscape enhancement** measures, that these combine to present a credible set of material considerations for granting planning consent.

As the Ian White Associates landscape assessment which accompanied the applications demonstrate, Kingswells is a defined building group and not an isolated site with a lack of landscape framework as characterised by previous planning applications within the AGLV. Furthermore, it is a building group with a contained landscape within which the development can be absorbed. Importantly, the proposed strategic planting that is integral to the applications offers the ability to enhance the quality of the AGLV, thereby facilitating positive landscape change in accordance with the SPP.

. hope this commentary assists your consideration.

With best wishes,

Mark

Mark Richardson
Director

Ristol Ltd
Touch Estate
Cambusbarron, Stirling FK8 3AQ
t. 01786 465 782
m. 07825 712090
f. 01786 471 438

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Perth and Kinross Council
Development Control Committee – 18 January 2012
Report of Handling by Development Quality Manager

**Residential development (in principle) at Land 80 Metres South East Of Over
Kinfauns Farm, Church Road, Kinfauns**

Ref No: 11/00897/IPL
Ward No: 1- Carse of Gowrie

Summary

This report recommends approval of a planning in principle application for a residential development in Kinfauns, on the grounds that the proposal is contrary to the Development Plan and the 2009 Housing in the Countryside Policy, but the sites location within an existing building group is considered to be a material reason that justifies a departure from the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site relates to an area of grassed paddock that is sandwiched between two existing residential properties in Kinfauns, a small hamlet of dwellings located to the north of the A90 and east of Kinnoull Hill. The 0.5ha site is fairly regular in its shape with a depth of approx 60m (west to east) and a length or frontage of approx 100 metres. The site is naturally sloping, with the slope generally rising diagonally upwards across the site from the SE corner to the NW corner. The site is immediately bounded to the north and south by garden ground associated with the two neighbouring existing properties, to the west by an existing surfaced private vehicular access and to the east by a post and wire fence.
- 2 This planning application seeks to obtain planning in principle consent for a residential development. An indicative layout showing two dwellings, with the site divided relatively evenly across its middle (east to west) has been submitted, which also includes indicative footprints for the two dwellings. Vehicular access to each of the plots would be via the existing private access. Although not indicated within the planning application, the applicant has indicated verbally that the dwellings will offer accommodation over one level only, perhaps with a split level design to utilise the natural slopes of the site and to avoid excessive under-building or cuttings. This is further addressed in the Appraisal section of this report

NATIONAL PLANNING POLICY AND GUIDANCE

- 3 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, Scottish Historic Environmental Policy 2009 and a series of Circulars.

The Scottish Planning Policy 2010

- 4 The SPP is a statement of Scottish Government policy on land use planning and contains:
- the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.
- 5 Of relevance to this planning application are
- Paragraph 66 – 91: Housing
 - Paragraphs 92 – 97: Rural Development

PAN 72 - Housing in the Countryside.

- 6 The aim of the PAN is to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. Small scale building groups, such as proposed by the current application, are seen as appropriate layouts within rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1995 (incorporating Alteration No1, Housing Land 2000) (PALP). As there are no policies of strategic relevance contained in the Structure Plan, the key Development Plan policies are found in the Local Plan.

Perth Area Local Plan 1995

- 8 Within the Local Plan, the site lies within the landward area, where **Policies 1 (General Development)** and **32 (Housing in the Countryside)** are directly applicable, Policy 1 seeks (amongst other things) to ensure that new development within the landward area have a suitable landscape framework and are compatible with existing land uses whilst Policy 32 lists a number of acceptable categories of development for new housing in the countryside, which includes development within existing building groups.
- 9 In addition to being within the landward area, the site is also within an area designated as being an Area of Great Landscape Value (AGLV), where **Policy 12 (AGLV)** is directly applicable. Policy 12 states that there will be a presumption against new development within this area, unless there is a proven operational need.

Perth Area Draft Plan 2004

- 10 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage. Therefore, although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

OTHER COUNCIL POLICIES

Planning Guidance Note: Primary Education and New Housing Development 2009

- 11 This developer contributions policy was approved by the Council on 6 May 2009. The policy applies over the whole administrative area of Perth and Kinross. This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development.

Affordable Housing Policy 2005

- 12 This policy is applicable to all new housing sites (even ones identified in the Local Plans) with the exception of those with existing consents, an approved development brief, or proposals involving 4 or less units. As the physical size of the site will restrict the numbers to a maximum of two dwellings only, there is no requirement for affordable housing provision.

Housing in the Countryside Policy 2009

- 13 This policy is the most recent expression of Council policy towards new housing in the open countryside, and is applicable across the entire landward area of Perth and Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories, and does not conflict with any other policy within the Local Plan. Of particular relevance to this planning application are section 1, which relates to new development within an existing building group and section 2, which relates to infill opportunities.

SITE HISTORY

- 14 There has been no previous site history relating to this site.

CONSULTATIONS

- 15 The Executive Director of Education and Children Services has commented on the planning application and confirmed that the local primary school (Kinnoull) is operating above its 80% capacity and that a financial

contribution should be sought from the applicant at the detailed planning application stage.

- 16 **Environmental Health Manager** has commented on the planning application in terms of both contaminated land issues and private water supplies and has made no objection to the proposal subject to appropriate conditions regarding private water supplies.
- 17 **Scottish Water** have been consulted on the planning application and have raised no objections.
- 18 **SEPA** have commented on the planning application and have raised no concerns.

REPRESENTATIONS

- 19 Twelve letters of representation have been received exclusively from local residents and all objecting to the planning application. In addition to these representations, two additional representations have been received from the West Carse Community Council and the local neighbourhood group, Kinfauns Community Company also objecting to the proposal. The main areas of concern raised within all the representations are:

- Contrary to the Development Plan
- Contrary to National Planning Guidance
- Adverse impact on the AGLV
- Adverse impact in the visual amenity of the area
- Potential adverse impact on private water supplies and existing private drainage system
- Concerns over the suitability of the vehicular access

- 20 These matters will be addressed in the appraisal section.

ADDITIONAL STATEMENTS

21	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None
	Report on Impact or Potential Impact	Limited Visualisations of the site.

APPRAISAL

- 22 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of this planning application to be made in accordance with the provisions of the Development Plan, unless material

considerations indicate otherwise. In terms of the Development Plan, the principal policies of relevance are listed in the Development Plan section above and an assessment of these policies is undertaken below. In terms of other material considerations, assessment against the Council's approved PGN on Primary Education and the 2009 Housing in the Countryside Policy (HITCP) are the key material considerations. However, as stated elsewhere in the report, the site's physical characteristics are also considered to be significant material consideration which ultimately justifies an approval recommendation, contrary to the Development Plan.

Policy

- 23 In terms of the Development Plan Policy, the principal policy of specific land use relevance is Policy 32 of the PALP, which is the Local Plan version of the HITCP. This policy needs to be read in conjunction with the revised HITCP of 2009, which is the latest expression of Council Policy towards new housing in the open countryside. In addition, the site lies within an Area of Great Landscape Value (AGLV), where Policy 12 of the PALP is directly relevant. Policy 12 states that there will be a presumption against build development within the AGLV unless there is a proven operational need. Accordingly, the key test of the acceptability of this planning application in policy terms is: 1) whether or not the proposal accords with the HITCP, as contained in the Local Plan and the 2009 version; and 2) whether or not there is justification for supporting a non-operational need development within the AGLV. For reasons stated elsewhere in the report, I consider the proposal to be contrary to the Development Plan, and to the 2009 HITCP, but consider there to be material considerations which justifies recommending the planning application for approval.

Housing in the Countryside Policies

- 24 As a preamble, the aim of both the HITCPs as contained in the Local Plan and the revised 2009 Policy is, in broad terms to facilitate the opportunity for the erection of new dwellings in rural areas within either existing groups of buildings or logical infill sites between established landscape features, or for conversions / replacement of redundant domestic or non-domestic buildings, which may allow for slightly higher numbers of dwellings to be supported. Both the Local Plan version of the HITCP and the 2009 version offer support in principle for infill opportunities within existing building groups, providing that the proposal does not detract from the character or amenity of the existing group and that a suitable landscape framework is in place. In terms of this site, I consider the site to be a natural infill (or gap) site opportunity which is clearly set between two established dwellings, which are themselves part of an well established building group. The site's frontage (or 'gap') if split evenly into two, and the plot sizes, would be directly comparable to the existing dwellings to the north and south and as such, the proposal would in my opinion be in keeping with the existing group and would not necessarily detract from its character or amenity.
- 25 In terms of landscape setting, I accept that the rear (eastern) boundary is perhaps less defined than the other three boundaries, however typically for an

infill / gap site it is extremely uncommon for the rear boundary to be as defined as the other three and I see this site to be no different to (in terms of landscape framework) many others which have been supported previously in Perth and Kinross and indeed in the neighbouring plots. I therefore consider the landscape setting of the site to be acceptable.

- 26 Within both the Local Plan and the 2009 versions of the HITCP, ribbon development is specifically mentioned as a form of development which will not be supported. I note that a number of representations consider this proposal to constitute ribbon development, however I do not consider a infill or gap site to constitute undesirable ribbon development, as ribbon development is more commonly attached to proposals which extend an already linear building pattern as opposed to development within it.
- 27 However, regardless of the aforementioned, within the 2009 HITCP it is explicitly stated that policies within the various Local Plans which relate to specific designations are still applicable. In this case, Policy 12 of the PALP relates specifically to the AGLV and states that there is a presumption against new development within the AGLV area except for operation need without any caveats. As this proposal is for mainstream housing, it is a matter of fact that the proposal is contrary to the 2009 HITCP.

Impact on the Landscape Character of the AGLV

- 28 The explicit nature of Policy 12 of the PALP renders the proposal contrary to the Local Plan, due to it being unrelated to operational need. However, in my opinion, the site characteristics of the site should be considered as a material consideration which must be fully considered before simply refusing the proposal based on the fact that it lies within the AGLV. Although identified as a settlement within the PALP, there is no doubt that Kinfauns is a well established group of dwellings and that development within this building group would have less of an impact on the visual appearance of the area or the landscape character than a new dwelling in an isolated or prominent location. Although no details of the proposed house types (or ridge levels) have been submitted, it is my view that suitably designed dwellings would have little adverse impact on the landscape character of the AGLV nor would development of this site result in a significant adverse visual impact. I fully appreciate that the Council have refused planning applications within the AGLV over the years, and have been extremely successful in defending related appeals. However the majority of these have been on isolated sites with a lack of landscape framework. I therefore consider the proposal to be contrary to the AGLV policy, but consider the site characteristics as a reason for ultimately recommending the approval, contrary to the Development Plan.

Visual Impact

- 29 The site would be visible from some local public roads, and the ridge lines of any new dwellings would potentially be visible from the A90 to the south albeit not within the natural sightlines of the road users. However, the new dwellings would be viewed within the context of an existing building group, and providing the proposed dwellings are suitably designed (perhaps with a split level design

to utilise the natural slopes of the site), there will be limited adverse visual impact on the area as a result of this development. This can be controlled through a condition on any consent issued.

Impact on Residential Amenity

- 30 Even acknowledging the natural slopes of the site, it is likely that the distances from neighbouring dwellings will go some way to limit the potential impact that the proposal will have on the existing, adjacent residential properties, in terms of direct overlooking, loss of privacy or loss of sunlight. It is noted that no concerns regarding loss of privacy or overlooking have been made within the representations.

Road related issues

- 31 Within the representations, concerns have been raised regarding the suitability of the existing private access to accommodate further vehicular movements associated with potentially two additional dwellings. Whilst I note these concerns, and acknowledge that the existing access is somewhat narrow and steep, the existing access is nevertheless a straight road with no obvious visibility problems for its existing users, and the lack of any formal passing places is negated by the fact that there are several available informal passing places. In my view the natural narrowness of the road will also act to keep speeds low, and I do not consider that the addition of potentially two houses will generate an unacceptable amount of extra traffic which would compromise road and pedestrian safety. This is a view shared by my Transport Planning colleagues.

Affordable Housing

- 32 As the development of this site will be limited to two dwellings only, there is no affordable housing requirement attached to this proposal.

Education Contributions

- 33 As the proposal falls within the school catchment of Kinnoull Primary School, an Education Contribution is likely to be required prior to the issuing of any detailed consent. As this planning application is for a residential development in principle, an appropriately worked condition will be attached to the consent.

Bio-diversity Issues

- 34 There are no known bio-diversity issues associated with this site.

Drainage

- 35 As there are no public sewers within the area, the site would have to be drained (foul and surface water) via a private system. Concerns have been raised within the representations that highlight the poor ground conditions within the area and existing problems with some of the older private drainage systems, some of which may be within the site boundaries. Although it is accepted that ground conditions may be challenging and difficult on this site (as is the case in most of

the Carse of Gowrie), private drainage is essentially a matter for Building Standards to fully consider, however it is likely that draining this site would be a technical issue that could be resolvable through a suitably designed engineering solution.

Private Water Supplies

- 36 It has been noted within the representations that several private water supplies are potentially affected by the development of this site, and that existing septic tanks and or / soakaways may be present within the site boundaries. During the construction phase, any earthmoving works could potentially break or otherwise damage any existing private water supply pipes, potentially allowing ingress of surface water or septic tank influent or effluent into the private water supply. In addition, any break or damage of existing pipes may affect the quantity of supply. Any surface water or septic tank influent or effluent ingress into the private water pipes would likely result in bacteriologically contaminated water which is known to potentially cause adverse health effects. The development of the site could also potentially result in a reduced accessibility to the existing pipework for the purposes of renewal or repair which could potentially result in a loss of accessibility could have serious implications for future maintenance or subsequent provision of the existing private water supply.
- 37 It is therefore recommended that prior to the commencement of any development on site, a full site investigation survey of the site is undertaken to identify the location of any private water supplies affected by the site and the presence of any water pipes, septic tanks or soakaways within the site boundaries. If any of the aforementioned are found to be present, the onus would firmly be on the applicant to prevent disruption to any known private water supply or third party septic tanks and soakaways to ensure that any existing private water supplies are not contaminated or their quantity of supply adversely affected. In addition, in the event that any third parties private water supplies, septic tanks and soakaways are to be retained within the site boundaries.

Flooding Issues

- 38 I am not aware of any issues concerning direct flooding from any nearby watercourses, and issues arising from the disposal of surface water, from the site and into the site, will be addressed through the finalised private system scheme.

LEGAL AGREEMENTS

- 39 None required at this stage.

DIRECTION BY SCOTTISH MINISTERS

- 40 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASON FOR RECOMMENDATION

- 41 The recommendation of approval of this planning application is contrary to both the Development Plan, the HITCP 2009 and has generated a significant level of local opposition. However, I do consider this site to be almost unique in the context of the AGLV insofar it is within a established building group and consider this a material reason to justify approval. I appreciate the concerns of the objectors regarding the sensitive issue of private water supplies, however I am confident that this matter can be suitably addressed for all parties involved.

RECOMMENDATION

A Approve the planning application subject to the following conditions:

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
- 2 The development shall not commence until the following matters have been approved by the Planning Authority: the siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, the car parking and means of access to the site.
- 3 Consent is hereby granted for a maximum of two dwellings only.
- 4 The layout submitted is for indicative purposes only and is not approved.
- 5 The footprint of each dwelling (including a garage) shall not exceed more than 25% of their individual plot.
- 6 Each dwelling shall offer living accommodation over one level only, to the satisfaction of the Council as Planning Authority.
- 7 The proposal must comply fully with the requirements of the Council's approved Planning Guidance Note on Primary School Education and New Housing Developments (2009).

- 8 Prior to the commencement of any development, precise details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water storage facilities, supply pipes or other supply infrastructure serving Over Kinfauns Farm, Over Kinfauns Farm Cottage, Taymount and Ben Vorlich, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before site works commence and shall be so maintained throughout the period of construction.

Reasons:

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 2 This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
- 3 In the interest of residential amenity.
- 4 This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
- 5 in the interest of residential amenity
- 6 In the interest of visual amenity.
- 7 In order to comply with Council Policy.
- 8 In the interest of proper site management.

B JUSTIFICATION

- 1 The proposal is contrary to the Development Plan however there are material reasons which justify approval of the planning application.

C PROCEDURAL NOTES

- 1 None required.

D INFORMATIVES

- 1 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

- 2 The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.
- 3 The applicant shall ensure the private water supply for the house complies with the Water Scotland Act 1980 and the Private Water Supply (Scotland) Regulations 2006. Detailed plans regarding the private water supply, including the nature and location of the source, any storage tanks/pipe work and the filtration and disinfection treatment proposed to ensure an adequate and consistently wholesome water supply is provided shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
- 4 The applicant is advised that a Controlled Activities Regulations (CAR) application is required and contact should be made with SEPA at an early date to establish the requirements for this application

Background Papers
Contact Officer:
Date:

Fourteen letters of representations
Andy Baxter, Ext 75339
13 December 2011

Nick Brian
Development Quality Manager

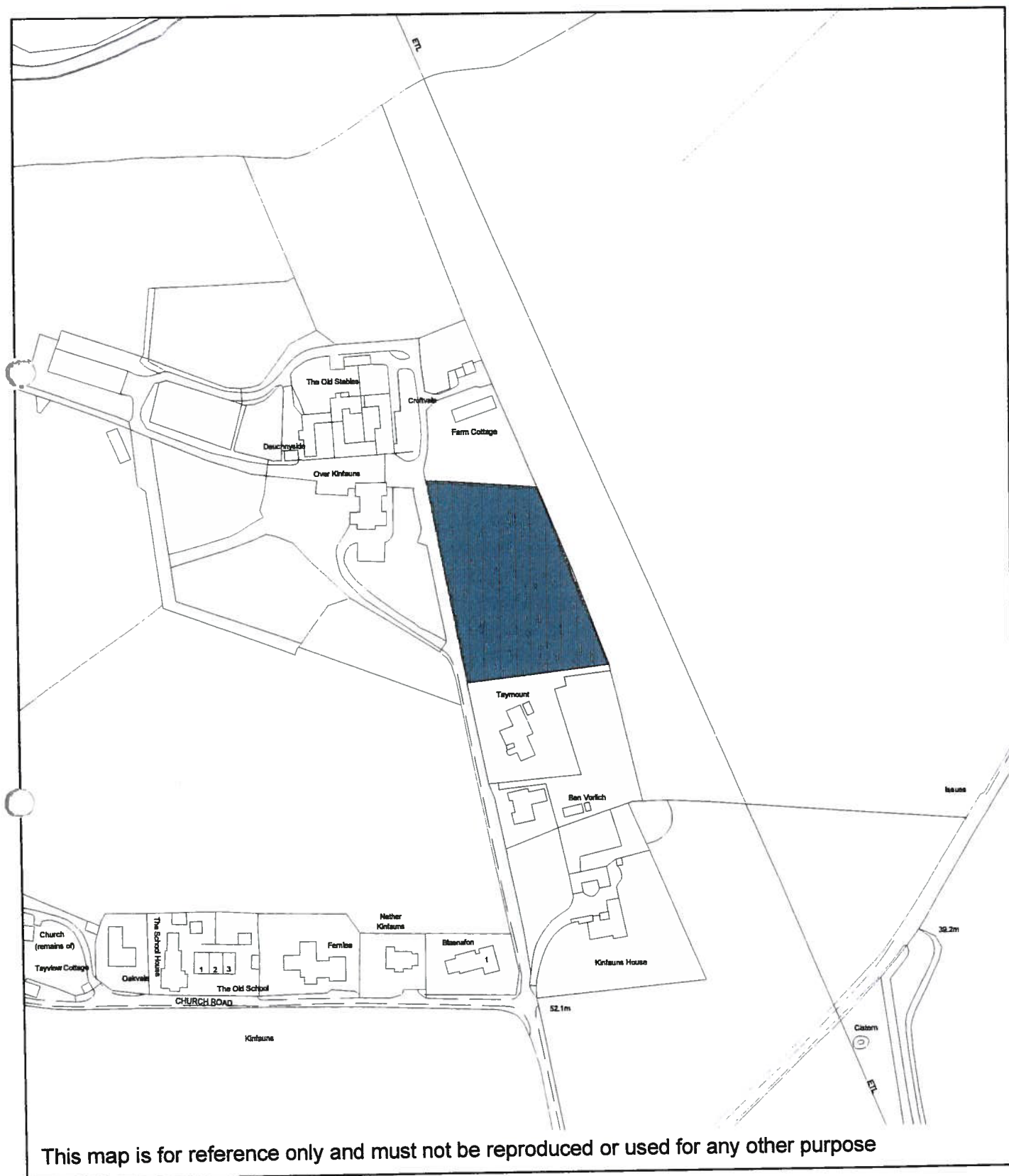


PERTH & KINROSS COUNCIL

The Environment
Series 4



↑ Scale
1:10000



↑ Scale
1:2500

Scottish Planning Policy

February 2010
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ISSN 1741 1203

RURAL DEVELOPMENT

92. The planning system has a significant role in supporting sustainable economic growth in rural areas. By taking a positive approach to new development, planning authorities can help to create the right conditions for rural businesses and communities to flourish. The aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.
93. The character of rural areas and the challenges they face vary greatly across the country, from remote and sparsely populated regions to pressurised areas of countryside around towns and cities. The strategy for rural development set out in the development plan should respond to the specific circumstances in an area whilst reflecting the overarching aim of supporting diversification and growth of the rural economy. Development plans should promote economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification, whilst ensuring that the distinctiveness of rural areas, the service function of small towns and the natural and cultural heritage are protected and enhanced. Developments which provide employment or community benefits should be encouraged, particularly where they involve the imaginative and sensitive re-use of previously used land and buildings. Planning authorities should also support and promote opportunities for environmental enhancement and regeneration in rural areas, particularly areas of previous mining and industrial activity.
94. The requirement for development plans to allocate a generous supply of land to meet housing requirements, including for affordable housing, applies equally to rural and urban areas. Development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extensions to existing clusters and groups, replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses by providing funding. Opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the new development is designed to fit in the landscape setting and will result a cohesive grouping. Modernisation and steadying conversion should not be constrained within the original footprint or height limit unless there are compelling design or conservation reasons for doing so.
95. The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses. In more accessible and densely populated rural areas most new development should be in or adjacent to settlements. In less populated areas, small scale housing and other development which supports diversification and other opportunities for sustainable economic growth whilst respecting and protecting the natural and cultural heritage should be supported in a range of locations. In these areas, new housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal. All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.
96. It is essential that rural communities have reasonable access to good quality services. Major facilities are usually concentrated in larger settlements, and wherever possible they should be accessible by a range of transport modes including public transport. However, planning authorities should be realistic about the availability or likely availability of alternatives to access by car as not all locations, particularly in remoter areas, can be served by public transport.

LANDSCAPE AND NATURAL HERITAGE

125. Scotland's landscape and natural heritage are internationally renowned and important, underpinning significant industries such as the food, drink and tourism industries, and are a key component of the high environmental quality which makes Scotland an attractive place in which to live, do business and invest. Improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. Planning authorities should therefore support opportunities for enjoyment and understanding of the natural heritage¹⁸.
126. Planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species, taking into account the ecosystems and natural processes in their area. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses, and areas of open space are linked together in integrated habitat networks can make an important contribution to the maintenance and enhancement of biodiversity and to allowing ecosystems and natural processes to adapt and respond to changes in the climate. Planning authorities should seek to prevent further fragmentation or isolation of habitats and identify opportunities to restore links which have been broken. Where possible, planning authorities should seek benefits for species and habitats from new development including the restoration of degraded habitats.
127. Landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. The European Landscape Convention defines landscape as an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors, and makes it clear that all landscapes require consideration and care. Different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character. The natural and cultural components of the landscape should be considered together, and opportunities for enhancement or restoration of degraded landscapes, particularly those affecting communities, should be promoted through the development plan where relevant.
128. The most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland's remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity and planning authorities should safeguard the character of these areas in the development plan.
129. All public bodies, including planning authorities, have a duty to further the conservation of biodiversity under the Nature Conservation (Scotland) Act 2004, and this should be reflected in development plans and development management decisions. Biodiversity is important because it provides natural services and products that we rely on, is an important element of sustainable development and makes an essential contribution to Scotland's economy and cultural heritage.
130. Linking greenspaces in and around settlements through green networks can deliver benefits for people and nature. By encouraging connectivity between habitats, green networks can improve the viability of species and the health and viability of previously isolated habitats and ecosystems, supporting adaptation to climate change. Development plans should identify and promote green networks where this will add value to the provision, protection, enhancement and connectivity of open space and habitats in the city regions and in and around other towns and cities. Lochs, ponds, watercourses and wetlands also form valuable landscape features, recreational resources and wildlife habitats and should be protected and enhanced wherever possible both as part of developments and green networks.
131. Landscapes and the natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental

¹⁸ The natural heritage of Scotland includes flora, fauna, geological and physiographical features, its natural beauty and its amenity (Natural Heritage (Scotland) Act 1991)

changes, are considered when preparing development plans and deciding planning applications. While the protection of the landscape and natural heritage may sometimes impose constraints on development, with careful planning and design the potential for conflict can be minimised and the potential for enhancement maximised. However there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted. Statutory natural heritage designations are important considerations where they are directly or indirectly affected by a development proposal. However, designation does not necessarily imply a prohibition on development.

132. Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal which would eliminate the risk of irreversible damage should be considered. The precautionary principle should not be used to impede development unnecessarily. Where development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.
133. The disturbance of some soils, particularly peat, may lead to the release of stored carbon, contributing to greenhouse gas emissions. Where peat and other carbon rich soils are present, applicants should assess the likely effects associated with any development work.

International Designations

134. Sites classified as Special Protection Areas (SPA) under the Birds Directive¹⁹ and designated as Special Areas of Conservation (SAC) under the Habitats Directive²⁰ form an EU-wide network of protected areas known as Natura 2000. Any development plan or development proposal which is likely to have a significant effect on a Natura site and is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment by the planning authority of the implications for the site's conservation objectives. Development which could have a significant effect on a Natura site can only be permitted where:
 - an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
 - there are no alternative solutions, and
 - there are imperative reasons of overriding public interest, including those of a social or economic nature.
135. Where, in the absence of any alternatives, an authority proposes to approve a plan or project which could adversely affect the integrity of a Natura site for reasons of overriding public interest, Scottish Ministers must be notified and compensatory measures necessary to ensure the overall coherence of the Natura network is protected must be provided. For plans or projects affecting a Natura site where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission via Scottish Ministers is required unless the proposal is necessary for public health or safety reasons or will have beneficial consequences of primary importance to the environment. The Scottish Government accords the same level of protection to proposed SACs and SPAs which have been approved by Scottish Ministers for formal consultation.
136. Ramsar sites are wetlands designated under the Ramsar Convention on Wetlands of International Importance, especially as waterfowl habitat. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

¹⁹ Directive 79/409/EEC on the conservation of wild birds

²⁰ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

TCP/11/16(197)

Planning Application 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswell, Kinfauns

PLANNING DECISION NOTICE (included in applicant's submission, see pages 301-302)

REPORT OF HANDLING (included in applicant's submission, see pages 303-310)

REFERENCE DOCUMENTS (included in applicant's submission, see pages 252-253 and 261-296)

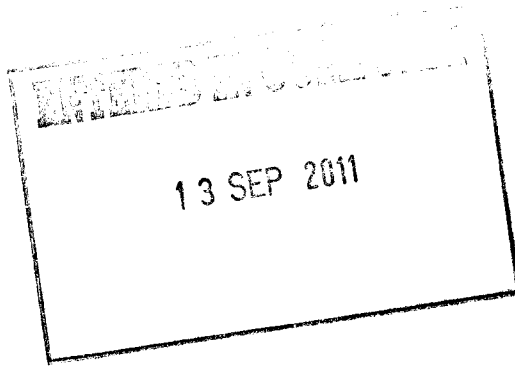
TCP/11/16(197)**Planning Application 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswell, Kinfauns**

REPRESENTATIONS

- Objection from Mr and Mrs Borland, dated 9 September 2011
- Representation from Education and Children's Services, dated 12 September 2011
- Objection from Graham Forbes, dated 12 September 2011
- Representation from Waste Services, dated 15 September 2011
- Objection from Bridgend, Gannochy and Kinnoull Community Council, dated 15 September 2011
- Objection from Mr and Mrs Pearson, dated 15 September 2011
- Representation from Area Land Agent Mid Scotland, dated 19 September 2011
- Objection from David Bett, dated 20 September 2011
- Objection from Mr and Mrs Waugh, dated 20 September 2011
- Objection from Ms A Calder, dated 21 September 2011
- Objection from Malcolm Wood, dated 21 September 2011
- Objection from Mr and Mrs Rowley, dated 22 September 2011
- Objection from Mr Peter Cruickshanks, dated 22 September 2011
- Objection from Judith Grant, dated 23 September 2011
- Objection from Stewart Hay, dated 23 September 2011
- Representation from Environmental Health Manager, dated 26 September 2011
- Objection from William Kay, dated 27 September 2011

- Representation from Transport Planning, dated 16 December 2011
- Representation from Bridgend, Gannochy and Kinnoull Community Council, dated 16 July 2012
- Representation from a group of 11 Interested Parties, dated 17 July 2012
- Agent's response to representations, dated 3 August 2012

A Baxter,



RECEIVED

12 SEP 2011

David Little
Head of Service
Planning & Regeneration
Pullar House
35, Kinnoull Street,
PERTH
PH1 5GD

Beechwood
Upper Muirhall Road
Kinfauns
PERTH
PH27LL

9th September 2011

Dear Sir,

01373
Planning Applications 11/10373 and 11/01399

As owners/occupiers of Beechwood, our primary concern with the proposed development of 4 Houses, is the Water Supply, and how it will affect our Property.

The Water supply comes from the new underground reservoir at Muirhall Farm, and is then pumped up to a holding Tank in Deuchny Wood, and in the recent past we have experienced repeated breaks in supply, owing to the holding tank running dry.

It can take up to 12 Hours approx. to refill, and then re pressurise the supply to the house.

We therefore seek assurances that this proposed development will not impede negatively on our supply, and trust therefore the water supply will be investigated thoroughly.

Yours sincerely,

Mr.B. & Mrs. J. Borland

Memorandum

To	Nick Brian Development Quality Manager	From	Gillian Reeves Assistant Asset Management Officer
Your ref	11/01373/FLL	Our ref	GR
Date	12 September 2011	Tel No	(4) 76395

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 11/01373/FLL

This development falls within the Kinnoull Primary School catchment area.

Based on current information this school will reach the 80% capacity threshold.

Approved capacity	192
Highest projected 7 year roll	199
Potential additional children from this and previously approved/yet to be determined applications	29.97
Possible roll	228.97
Potential % capacity	119%

Therefore I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

Please do not hesitate to contact me should you require any further information.

Support Services is committed to providing a high level of customer service designed to meet the needs and expectations of all who may come into contact with us. Should you have any comments or suggestions you feel may improve or enhance this service, please contact ecssupportservices@pkc.gov.uk

Lynsey Black

AMB

From: Graham Forbes [REDACTED]
Sent: 12 September 2011 17:32
To: Development Management - Generic Email Account
Subject: 11/01399/FLL and 11/01373/FLL

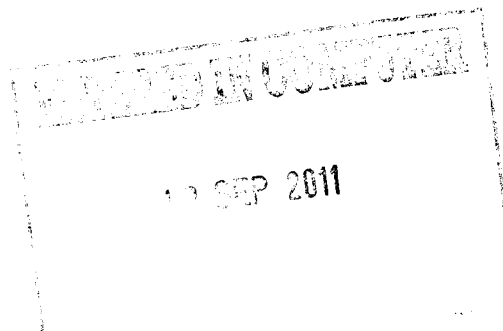
Hello

I would like to object to the 2 above planning notices for Muirhall Rd, near Duecany woods. We leave further along this road (PH2 7LJ).

if these properties are built I feel they would have a impact on the views from Kinoull Hill and Duecany Woods. Also the road is already very dangerous and adding more traffic would not help.

regards

Graham Forbes



Memorandum	
To Development Management	From Waste Services
Cc	Our Ref DPA
Date 15/09/11	Tel No 01738 476476
Environment Services	Pullar House, Kinnoull Street, Perth, PH1 5GD

Consultation on an Application for Planning Permission:

I refer to the above planning application and would like to discuss with either yourself, the architect, the developer or a representative an amendment to the plans to incorporate appropriate provision for storage of waste and recycling facilities and access for service provision.

If the developer does not adhere to the below specifications, the Council may be unable to provide waste and recycling services to this development based on inadequate storage, access and/or infrastructure.

Please contact Donna Paterson, Community Waste Adviser to discuss the above.

Conditions for Planning Consent

1. Requirements for Bin Provision

1.1 Domestic Properties Serviced by the 3 Bin System

All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)
240	580	1100	740

1.2 Flatted Properties

All flatted properties require a communal area to store one of the following bin options:

- 2 x 240 litre bins (one for general waste and one for dry mixed recycling)
- 1 x 240 litre bin for garden and food waste (where appropriate)
- a combination of larger bins to equate the same capacity as above

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740
1100	1270	1380	1000
1280	1280	1445	1000

It is preferable for residents (where space allows) to have their own individual 240 litre bins rather than using communal facilities.

1.3 Domestic Properties in Rural Area's

Council policy states that refuse collection vehicles will only provide kerbside refuse and recycling collections to properties situated on a private road if all of the following conditions are met :

1. the private road serves a settlement, or settlements, rather than sporadic individual properties (as a guide, a settlement is a grouping of six or more properties);
2. there is sufficient turning space for a refuse collection vehicle at the road end (i.e. a turning circle, t-junction or hammerhead), or if the vehicle can enter/exit the road by other safe means (as specified in point 3 below);
3. the condition of the road surface is acceptable for a refuse collection vehicle to access (as specified in point 4 below);
4. sufficient and safe access for the refuse collection vehicle is maintained - i.e. absence of overhanging branches / over grown bushes acceptable surface condition etc. (as specified in point 2 below)

5. the owner of the private road agrees to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle;
6. any bridges or other structures along the private road are certified by a competent person to be safe and meet Perth and Kinross Council health and safety requirements. It is the responsibility of the owner(s) of the road to demonstrate the safety of these structures;

If the properties can be accessed safely by service vehicles then condition 1.1 must be followed. If the properties cannot be accessed safely by service vehicles then provision must be made at the road end for the safe storage and servicing of the bin(s) in which case condition 1.2 must be followed.

2. Vehicle and Operative Access

Access and egress

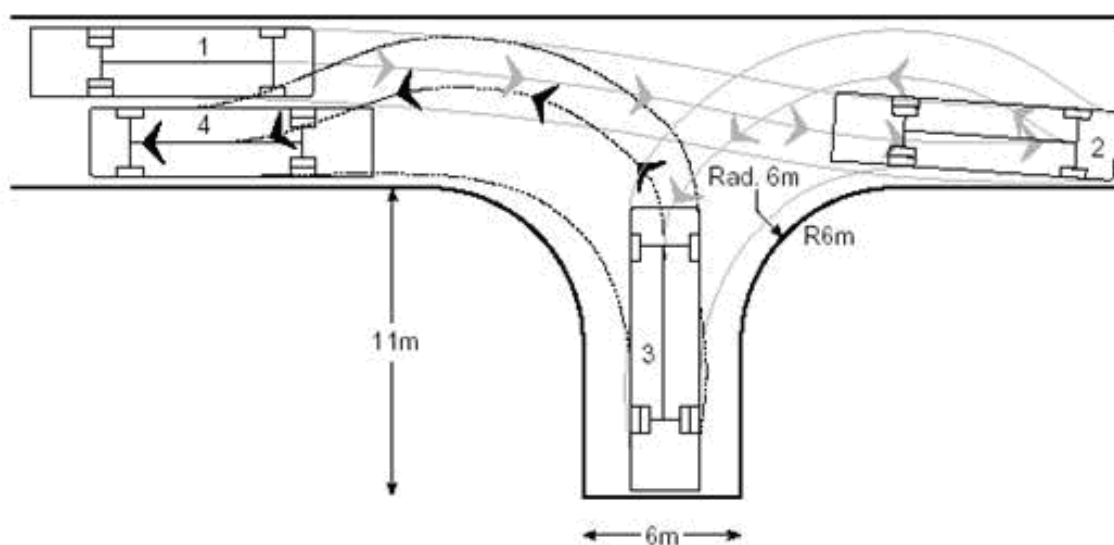
The following space requirements must be fulfilled for a refuse collection vehicle to service the site:

Height	4.5m
Width	2.75m (including mirrors)
Length – for reversing and turning	12 m
Length - for vehicle with container in emptying position	13 m
Area required for operatives to stand clear of bin whilst being lifted	3 m length x 3.5m width

3 Vehicle Turning Requirements

The turning circle (diameter) required for refuse collection vehicles is 24 meters.

**FTA Large rigid design vehicle
Side road stub**



4. Road Specifications

All vehicle access roads that the refuse collection vehicles will be required to use must be adopted by the Council and constructed to withstand a gross vehicle weight of 26 tonnes and axle loading of 11.5 tonnes. Manhole covers, gratings, cattle grids etc situated in the road must also be capable of withstanding these loads.

The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.

5. Recycling Facilities

5.1 New Housing Schemes

For new housing developments of 50 houses or above, the developer (in conjunction with the area Community Waste Adviser) should incorporate a suitable location(s) for the provision of recycling facilities to compliment the existing kerbside recycling services offered in the area.

Appendix 1

Planning Advice Note 63 indicates that developers should be encouraged to provide space in their proposed developments to accommodate provision within the premises for facilities to separate and store different types of waste at source. The Scottish Government considers that there may be greater scope to promote waste prevention and recycling during both the construction phase and the lifetime of the new development.

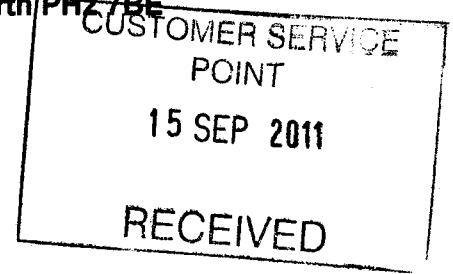
This Planning Review Process must be followed to ensure that all aspects of waste management are included before planning consent is granted – this should include storage, access/egress and road specifications for both waste and recyclates.

Should planning consent be granted which does not meet the aforementioned conditions, Perth & Kinross Council Waste Services may be unable to provide a complete service.

Bridgend, Gannochy & Kinnoull Community Council
Acting Chairman – Graham Fleming, 5 Ardchoille Park, Perth PH2 7TL
Secretary – Margaret Cairns, 14 Fernhill Road Perth PH2 7BE

Andrew Baxter
Planning & Regeneration
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth PH1 5GD

RECEIVED
16 SEP 2011



15 September 2011

Dear Mr Baxter,

Planning Application 11/01373/FLL
(Erection of 3 Dwelling Houses in Kinfauns)

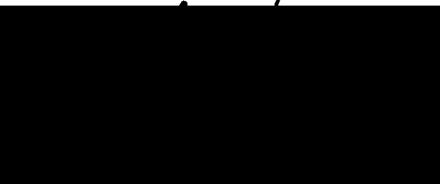
While in no way opposed to housing development *per se*, Bridgend, Gannochy & Kinnoull Community Council has a policy of objection to all incremental development on the east side of the Tay until such time as Perth & Kinross Council resolves the long-standing issues relating to the local road infrastructure. By infrastructure, we particularly refer to:

- ⌘ the road system in Bridgend having reached its capacity;
- ⌘ the restricted width of roads such as Lochie Brae, Bowerswell Road and Manse Road;
- ⌘ the AQMA condition in Main Street.

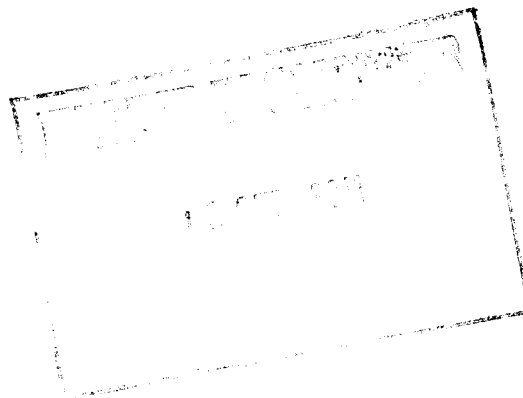
As we have yet to receive a cogent explanation from the road planning section of Planning and Regeneration regarding "incremental" traffic, we wish to register our objection to the above-cited planning application for dwelling houses east of Kingswells, Muirhall Road.

In addition, we have severe concerns about this proposed development being in an AGLV location.

Yours faithfully,



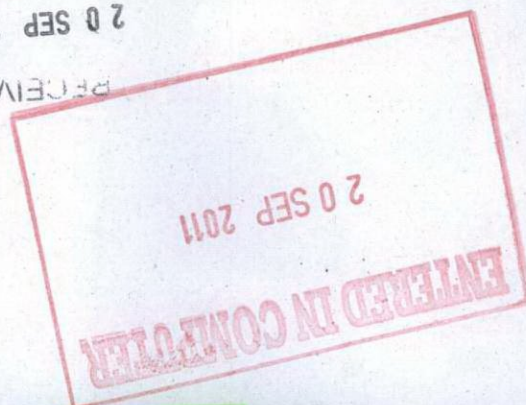
Graham Fleming
Acting Chairman



Perth & Kinross Council
2, High Street,
PERTH
PH1 5PH

20 SEP 2011

RECEIVED



1, Binn Farm Cottages
Muirhall Road,
Kinfauns,
PERTH.

15th September 2011

Planning Applications – 11/01373/FLL and 11/01399/FLL

I refer to the above-described applications, which relate to the property known as Kingswells, Kinfauns and hereby give formal notification of objection in relation to both matters.

1. The proposals represent a 57% increase in dwelling houses within an area adjacent to the Deuchney Woods, a popular tourist attraction due to the scenic vistas over the River Tay, enjoyed from the woods. The proposed development can only have an adverse effect upon such views. It will also, in our opinion adversely effect the view of the Kinnoull Hill area as seen from the lower valley.
2. The development accesses the unclassified public road between Corsie Hill and Balthayock and the increased volume of traffic resulting, will only add to a route which is already being used by more traffic than was envisaged, when it was created. This is particularly the case, when any incidents or roadworks occur on the nearby A-90.
3. The water supply for the area running from Kinnoull Hill to my location (the end of the coverage) is, to say the least, tenuous. It is a regular occurrence for residents to lose either pressure or in some cases total supply. This significant increase in demand can only spell more misery for those of use situated at the further reaches of the system.

The siting of this development is within an Area of Great Landscape Value and also adjacent to the Kinnoull Conservation Area. I can think of no pressing requirement for further housing within this area (i.e. no major employers etc), which could possibly justify the granting of planning permission. We feel that this is a sporadic development which is not in keeping with the aims and purposes of the AGLV, nor the ideals of the Conservation Area.

In considering these applications I would also cite the following decisions which have bearing on the matters;

The decision by Perth and Kinross Council to refuse planning permission to Edinmore Properties Ltd., for the erection of 4 houses on the lower slopes of Kinnoull Hill. This decision was based upon the visual impact of the houses within the AGLV and was later ratified by Mr. Donald Harris, the Scottish Government Reporter.

This was welcomed by Councillor Heather Stewart, who said;

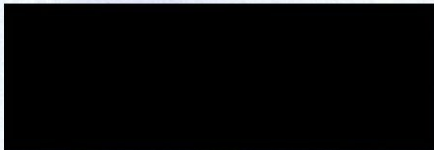
“There would also have been major access problems which could have made locals’ lives a misery, so it’s absolutely the right decision”

Her comments, we believe, echo the objection we have raised at No. 2 above.

The decision by Perth and Kinross Council to refuse planning permission for the erection of 19 dwelling houses adjacent to St. Mary’s Monastery, Kinnoull Hill. The Planning Officers of the council recommended such refusal on the basis that the development was “outwith the settlement boundary and within an area zoned as an area of great landscape value, and that it would fundamentally change the character and appearance of the area, which is an important visual and open space”

We therefore formally object to the proposed development, as it not only breaches the aims and purposes of the AGLV and Conservation Area, but also flies in the face of decisions made by Perth & Kinross Council as well as the Scottish Government.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

Mr S and Mrs M Pearson

Area Land Agent Mid Scotland (Neutral)

Comment submitted date: Mon 19 Sep 2011

In the event of any development being proposed within one and a half mature tree lengths of the legal boundary with the Scottish Ministers property (Forestry Commission Scotland woodlands) to the north of the proposed development FCS would wish to be consulted.

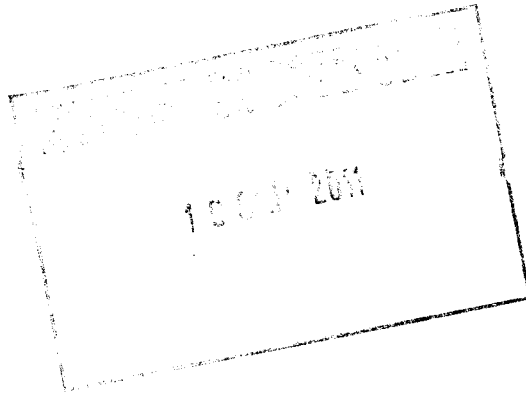
David Little Esq
Head of Service Planning and Regeneration
Puller House
35, Kinnoull Street
PERTH
PH1 5GD



Squirrelknowe Cottage
Balthayock
Kinfauns
PERTH
PH2 7LG

20th September 2011

Dear Sir,



Objection to planning application 11/01373/FLL

My objection to this application is on policy issues, namely Perth Area Local Plan 1995 (PALP) supplemented by the Housing in the Countryside Policy 2009 (HITCP).

Policy 32, which refers to housing in the countryside.

Policy 12, which refers to development within an Area of Great Landscape Value (AGLV).

Policy 32 (PALP) States: - It will offer support for new dwellings that extend existing building groups.

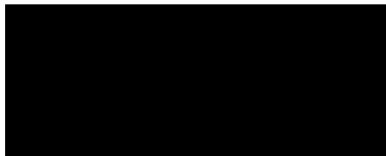
As these proposed buildings are more than 75 metres from any existing settlement, they do not meet the criteria under the heading relating to, development zones, building group, and could be classed as ribbon development, and would have an adverse effect on the Kinnoull Hill Area of Great Landscape Value, (AGLV).

Policy 12 (PLAP) States: - Should prohibit new build development within an Area of Great Landscape Value (AGLV) unless they are associated with operational needs.

Clearly these proposed properties are not for operational needs, only speculative and for financial gain.

It is the duty of the planning department to reject these applications as they do not meet the Perth Local Area Plan 1995 (PLAP), Housing in the countryside Policy 2009 (HITCP), which are the only current plans.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Mr David Bett.

The Steading
Muirhall Road,
Kinfauns,
Perth
PH2 7LJ

20th September 2011

Perth & Kinross Council
2, High Street,
PERTH
PH1 5PH

Planning Applications – 11/01373/FLL and 11/01399/FLL

We hereby give formal notification of objection in relation to both planning applications referred to above.

1. This development will add extra traffic to the unclassified public road between Corsie Hill and Balthayock . This road is also used by an excessive amount of traffic particularly those who are trying to avoid roadworks or other congestion on the A90.
2. These proposals represent an unwarranted increase in the number of dwelling houses within an area adjacent to the Deuchny Woods.
3. We are also extremely concerned about the water supply to our home. We frequently suffer from low water pressure and sometimes we lose all water supply. This can only be exacerbated by the additional load on the supply created by this development.

This proposed development is within an Area of Great Landscape Value and also adjacent to the Kinnoull Conservation Area. We cannot think of any justification in granting these planning applications. We feel that this development is not in keeping with the aims and purposes of the AGLV, nor the ideals of the Conservation Area.

In common with our neighbours we would also cite the following decisions which have bearing on the matters;

The decision by Perth and Kinross Council to refuse planning permission to Edinmore Properties Ltd., for the erection of 4 houses on the lower slopes of Kinnoull Hill. This decision was based upon the visual impact of the houses within the AGLV and was later ratified by Mr. Donald Harris, the Scottish Government Reporter.

This was welcomed by Councillor Heather Stewart, who said;

“There would also have been major access problems which could have made locals’ lives a misery, so it’s absolutely the right decision”

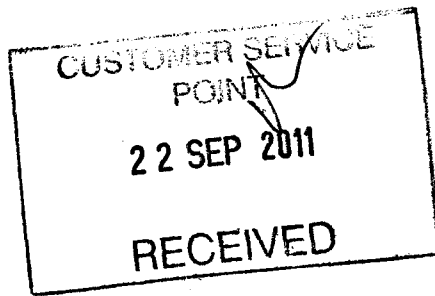
Her comments, we believe, echo the objection we have raised at No. 1 above.

The decision by Perth and Kinross Council to refuse planning permission for the erection of 19 dwelling houses adjacent to St. Mary's Monastery, Kinnoull Hill. The Planning Officers of the council recommended such refusal on the basis that the development was "outwith the settlement boundary and within an area zoned as an area of great landscape value, and that it would fundamentally change the character and appearance of the area, which is an important visual and open space"

We therefore formally object to the proposed development..

Yours faithfully

Mr R and Mrs D Waugh



11/01373/FLL
RECEIVED

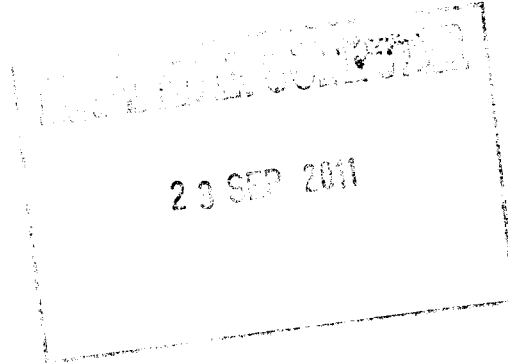
23 SEP 2011

Windyedge,
Muirhall Road,
Perth,
PH2 7LL

21st September 2010

Nick Brian,
Head of Development Control,
The Environment service,
Perth and Kinross Council,
Pullar House,
Kinnoull Street
Perth PH1 5GD

Dear Mr, Brian,



**Proposed Housing Developments at Kingswells, Muirhall Road,
Kinfauns Road, Perth – Reference Numbers 11/01373/FLL and
11/01399/FLL**

I wish to object to the above applications which, together, propose the erection of four new houses at Kingswells in breach of the Council's existing planning policy. The breach occurs for the following reasons.

1. Housing in the Countryside Policy (2009)

This policy does not, as the applicant claims, apply uniformly across the whole Perth & Kinross area. The policy document makes it perfectly clear in its Introduction that its relevance is "*subject to specific circumstances identified in Local Plans.....*" it then lists a series of nine "specific designations" where the Housing in the Countryside Policy must also comply with the relevant local plan policy guidance for these areas. One of these designations is "Areas of Great Landscape Value" within which, as will be explained below, "*there will be a presumption against new houses except on the basis of operational need*". No operational need exists, or has been claimed, in either of the above applications.

The operational need caveat in itself precludes all of the four houses proposed but the failure to comply with the Housing in the Countryside Policy is compounded by the following considerations:

(i) Kingswells is not, as the applicant claims, a "Building Group" of the type referred to in Category 1 of the policy. The seven existing houses referred to have no cohesion of the type required for a group, no core and, with one exception, all the houses are strung out in an extended ribbon on the north side of Muirhall Road. The

policy specifically states: *"proposals which contribute towards ribbon development will not be supported"*. The single house proposed under reference 11/01399/FLL clearly extends the existing line of houses westwards and is particularly reprehensible in terms of ribbon development since it is not even contiguous with the most westerly of the existing houses.

(ii) Another requirement for new houses in building groups is that *"they do not detract from both residential and visual amenity of the group."* The three houses proposed under reference 11/01373/FLL are to be situated at a considerable elevation above the existing houses in an open landscape with the inevitable consequence that they would adversely affect the residential and visual amenity of the group. Although the illustrative sketches submitted in support of the application show generous peripheral planting within plots 2, 3 and 4, none of this exists at present and it will be a very long time before any proposed planting will have any mitigating effect on the otherwise stark insertion of three large houses and associated access road at the proposed elevation. The plots will also be a highly intrusive presence in external views towards this section of Muirhall Road which can be seen from large parts of the Tay Valley and Friarton Bridge. The sites are particularly prominent from the Rhynd Road. All of these viewpoints are themselves within the AGLV and it can therefore be said that approval of the proposal would have an entirely negative effect on that designation.

(iii) Although the policy does allow for houses *"which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting."* the proposal is not such an extension but is, rather, a major (4.6 acres) "bite" into an elevated and highly visible part of the AGLV. The landscape containment implied by the sketches does not yet exist and is entirely contrived to provide a mitigating effect **in the future**. As already stated, it would take many years to provide the context envisaged by the policy.

2. Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000)

The local plan provides the statutory framework for determining these applications. The policy which is most relevant to the above applications is Policy 32 (page 20). It offers no comfort for the proposals since it clearly states:

"The District Council's District wide policy on Housing in the Countryside will apply within most of the landward area. Within Areas of Great Landscape Value, the National Scenic Area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be

given to the restoration and conversion of buildings to form new houses."

Annex 1 in the local plan sets out in the Housing in the Countryside Policy as it existed in May 1994 and, while the detail contained there has been superseded by the 2009 policy referred to above, the wording – particularly in relation to Building Groups – is very similar. Unlike the 2009 policy, the local plan version sets out in Annex 1 illustrations for guidance on how to identify a Building Group and it is clear, by comparison, that Kingswells would not satisfy the definition of a Building Group contained in the local plan.

3. Local Development Plan Main Issues Report (September 2010)

Work is currently underway to produce a new Local Development Plan. When adopted, this will provide a new statutory content for the whole Perth & Kinross area and the contents of the Main Issues Report, which was published in September 2010, are material considerations of relevance to the above applications. The relevant section lies in paragraphs 5.2.8 to paragraph 5.2.9 which contains proposals for a Greenbelt around the city as a replacement for the existing AGLV designation. It can be seen from MAP 1 in that document that Kingswells lies well within the proposed Greenbelt boundary and that the accompanying guidance states:

"Greenbelt policy should be robust and as an example it is proposed to limit housing in the countryside to conversions or replacement buildings, excluding infill and Brownfield development categories. Any small settlements within the greenbelt will have settlement boundaries drawn to limit development opportunities."

None of the proposed houses would be located on an infill or Brownfield site and they would therefore be prejudicial to the aims of the emerging plan.

Other Considerations

I have very grave concerns regarding the effects of such a development on the local wildlife. This area supports a wide range of birds and animals. These include protected species such as owls, roe deer, red squirrels, badgers, toads and bats. The areas designated for building would compromise their welfare, removing or blocking off large sections of their habitats, territories, and natural routeways. For this reason, I believe that undertaking an Environmental Study of the area is vital.

I am also concerned regarding the potential increase in traffic, domestic and commercial, on the already busy, and narrow, country road.

In addition, water run-off from Kingswells ground already causes flooding of the public road. In winter, this results in extensive sections of treacherous ice. Further development of the area would result in even lower absorption rates.

Summary

The applications covered by this objection are clearly intended to defeat the established planning policies for the area. In the sense that none of the houses is justified on grounds of "operational need" they all fail the policy test for that reason alone. The failure is compounded by the fact that there is no compliance with the spirit, or letter, of local plan policies and supplementary guidance in terms of : protection of existing residential amenity, landscape conservation or the broader public interest in preventing creeping suburbanisation of a proposed Greenbelt.

I therefore request that both of these applications be refused on the grounds that they fail to comply with all of the Council's statutory policies and supplementary guidance in relation to new houses in the countryside.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

Ms A Calder

RECEIVED

23 SEP 2010

Hilton,
Muirhall Road,
Perth,
PH2 7LL
21st September 2010

Nick Brian,
Head of Development Control,
The Environment service,
Perth and Kinross Council,
Pullar House,
Kinnoull Street
Perth PH1 5GD

Dear Mr. Brian,

**Proposed Housing Developments at Kingswells, Muirhall Road,
Kinfauns Road, Perth – Reference Numbers 11/01373/FLL and
11/01399/FLL**

I wish to object to the above applications which, together, propose the erection of four new houses at Kingswells in breach of the Council's existing planning policy. The breach occurs for the following reasons.

1. Housing in the Countryside Policy (2009)

This policy does not, as the applicant claims, apply uniformly across the whole Perth & Kinross area. The policy document makes it perfectly clear in its Introduction that its relevance is "*subject to specific circumstances identified in Local Plans.....*" it then lists a series of nine "specific designations" where the Housing in the Countryside Policy must also comply with the relevant local plan policy guidance for these areas. One of these designations is "Areas of Great Landscape Value" within which, as will be explained below, "*there will be a presumption against new houses except on the basis of operational need*". No operational need exists, or has been claimed, in either of the above applications.

The operational need caveat in itself precludes all of the four houses proposed but the failure to comply with the Housing in the Countryside Policy is compounded by the following considerations:

(i) Kingswells is not, as the applicant claims, a "Building Group" of the type referred to in Category 1 of the policy. The seven existing houses referred to have no cohesion of the type required for a group, no core and, with one exception, all the houses are strung out in an extended ribbon on the north side of Muirhall Road. The policy specifically states: "*proposals which contribute towards*

ribbon development will not be supported". The single house proposed under reference 11/01399/FLL clearly extends the existing line of houses westwards and is particularly reprehensible in terms of ribbon development since it is not even contiguous with the most westerly of the existing houses.

(ii) Another requirement for new houses in building groups is that *"they do not detract from both residential and visual amenity of the group."* The three houses proposed under reference 11/01373/FLL are to be situated at a considerable elevation above the existing houses in an open landscape with the inevitable consequence that they would adversely affect the residential and visual amenity of the group. Although the illustrative sketches submitted in support of the application show generous peripheral planting within plots 2, 3 and 4, none of this exists at present and it will be a very long time before any proposed planting will have any mitigating effect on the otherwise stark insertion of three large houses and associated access road at the proposed elevation. The plots will also be a highly intrusive presence in external views towards this section of Muirhall Road which can be seen from large parts of the Tay Valley and Friarton Bridge. The sites are particularly prominent from the Rhynd Road. All of these viewpoints are themselves within the AGLV and it can therefore be said that approval of the proposal would have an entirely negative effect on that designation.

(iii) Although the policy does allow for houses *"which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting."* the proposal is not such an extension but is, rather, a major (4.6 acres) "bite" into an elevated and highly visible part of the AGLV. The landscape containment implied by the sketches does not yet exist and is entirely contrived to provide a mitigating effect **in the future**. As already stated, it would take many years to provide the context envisaged by the policy.

2. Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000)

The local plan provides the statutory framework for determining these applications. The policy which is most relevant to the above applications is Policy 32 (page 20). It offers no comfort for the proposals since it clearly states:

"The District Council's District wide policy on Housing in the Countryside will apply within most of the landward area. Within Areas of Great Landscape Value, the National Scenic Area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form

new houses.”

Annex 1 in the local plan sets out in the Housing in the Countryside Policy as it existed in May 1994 and, while the detail contained there has been superseded by the 2009 policy referred to above, the wording – particularly in relation to Building Groups – is very similar. Unlike the 2009 policy, the local plan version sets out in Annex 1 illustrations for guidance on how to identify a Building Group and it is clear, by comparison, that Kingswell would not satisfy the definition of a Building Group contained in the local plan.

3. Local Development Plan Main Issues Report (September 2010)

Work is currently underway to produce a new Local Development Plan. When adopted, this will provide a new statutory content for the whole Perth & Kinross area and the contents of the Main Issues Report, which was published in September 2010, are material considerations of relevance to the above applications. The relevant section lies in paragraphs 5.2.8 to paragraph 5.2.9 which contains proposals for a Greenbelt around the city as a replacement for the existing AGLV designation. It can be seen from MAP 1 in that document that Kingswells lies well within the proposed Greenbelt boundary and that the accompanying guidance states:

“Greenbelt policy should be robust and as an example it is proposed to limit housing in the countryside to conversions or replacement buildings, excluding infill and Brownfield development categories. Any small settlements within the greenbelt will have settlement boundaries drawn to limit development opportunities.”

None of the proposed houses would be located on an infill or Brownfield site and they would therefore be prejudicial to the aims of the emerging plan.

Other Considerations

My neighbours and I have serious concerns about the ability of the land in the vicinity of the application sites to absorb surface water. In wet weather, Muirhall Road becomes a watercourse and the construction of roads, drives and hard surfaced areas will reduce the capacity of land in the immediate vicinity to absorb natural run-off. In severe conditions this has in the past led to flows of surface water across my land which adjoins plots 3 and 4. Historically, surface water has evolved from a spring roughly at the southern edge of plots 3 and 4. At considerable effort and expense I installed subterranean drains to resolve this issue and for the past several years those drains have worked well and have rarely been overwhelmed.

Summary

The applications covered by this objection are clearly intended to defeat the established planning policies for the area. In the sense that none of the houses is justified on grounds of "operational need" they all fail the policy test for that reason alone. The failure is compounded by the fact that there is no compliance with the spirit, or letter, of local plan policies and supplementary guidance in terms of : protection of existing residential amenity, landscape conservation or the broader public interest in preventing creeping suburbanisation of a proposed Greenbelt.

I therefore request that both of these applications be refused on the grounds that they fail to comply with all of the Council's statutory policies and supplementary guidance in relation to new houses in the countryside.

Yours sincerely

A solid black rectangular box used to redact the signature of Malcolm B. Wood.

Malcolm B. Wood

RECEIVED
23 SEP 2011

ENTERED IN COMPUTER

23 SEP 2011

Nick Brian Esq
Development Quality Manager
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD



Mr G P & Mrs E M Rowley
The Neuk
Muirhall Road
Kinfauns
PERTH
PH2 7LL

22nd September 2011

Dear Mr Brian

We write to object to the proposed **New Build Housing Developments at Kingswells, Muirhall Road, Perth. Planning Application References: 11/01373/FLL & 11/01399/FLL by Mr Nigel Lowe**

This application for the erection of four new houses is contrary to the Council's existing planning policy, key areas of which are:

1. Housing in the Countryside Policy (2009)

This policy does not, as the applicant claims, apply uniformly across the whole Perth & Kinross area. The policy document makes it perfectly clear in its Introduction that its relevance is "*subject to specific circumstances identified in Local Plans.....*" it then lists a series of nine "specific designations" where the Housing in the Countryside Policy must also comply with the relevant local plan policy guidance for these areas. One of these designations is "**Areas of Great Landscape Value**" within which, as will be explained below, "*there will be a presumption against new houses except on the basis of operational need*". **No operational need exists**, or has been claimed, in either of the above applications.

The operational need caveat in itself precludes all of the four houses proposed but the failure to comply with the Housing in the Countryside Policy is compounded by the following considerations:

(i) Kingswells is not, as the applicant claims, a "Building Group" of the type referred to in Category 1 of the policy. The seven existing houses referred to have no cohesion of the type required for a group, no core and, with one exception, all the houses are strung out in an extended ribbon on the north side of Muirhall Road. The policy specifically states: "*proposals which contribute towards ribbon development will not be supported*". The single house proposed under reference 11/01399/FLL clearly extends the existing line of houses westwards and is particularly reprehensible in terms of ribbon development since it is not even contiguous with the most westerly of the existing houses.

(ii) Another requirement for new houses in building groups is that "*they do not detract from both residential and visual amenity of the group.*" The three houses proposed under reference 11/01373/FLL are to be situated at a considerable elevation above the existing houses in an open landscape with the inevitable consequence that they would adversely affect the residential and visual amenity of the group. Although the illustrative sketches

submitted in support of the application show generous peripheral planting within plots 2, 3 and 4, none of this exists at present and it will be a very long time before any proposed planting will have any mitigating effect on the otherwise stark insertion of three large houses and associated access road at the proposed elevation. The plots will also be a highly intrusive presence in external views towards this section of Muirhall Road which can be seen from large parts of the Tay Valley and Friarton Bridge. The sites are particularly prominent from the Rhynd Road. All of these viewpoints are themselves within the AGLV and it can therefore be said that approval of the proposal would have an entirely negative effect on that designation. See attached photos.

(iii) Although the policy does allow for houses *"which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting."* the proposal is not such an extension but is, rather, a major (4.6 acres) "bite" into an elevated and highly visible part of the AGLV. The landscape containment implied by the sketches does not yet exist and is entirely contrived to provide a mitigating effect in the future. As already stated, it would take many years to provide the context envisaged by the policy.

2. Perth Area Local Plan 1995 (Incorporating Alteration No. 1 Housing Land 2000)

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Annex 1 in the local plan sets out in the Housing in the Countryside Policy as it existed in May 1994 and, while the detail contained there has been superseded by the 2009 policy referred to above, the wording – particularly in relation to Building Groups – is very similar. Unlike the 2009 policy, the local plan version sets out in Annex 1 illustrations for guidance on how to identify a Building Group and it is clear, by comparison, that Kingswells would not satisfy the definition of a Building Group contained in the local plan.

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"Greenbelt policy should be robust and as an example it is proposed to limit housing in the countryside to conversions or replacement buildings, excluding infill and Brownfield"

development categories. Any small settlements within the greenbelt will have settlement boundaries drawn to limit development opportunities."

None of the proposed houses would be located on an infill or Brownfield site and they would therefore be prejudicial to the aims of the emerging plan.

Other Considerations

Proposed New Access Road would run 3 metres from our property, this would have an enormous personal impact, causing loss of privacy and safety concerns.

Drainage would be a major concern as the gradient of the land naturally throws water towards our property. We have already taken professional advice and had extensive works done to contain this water and divert it into drains at great personal expense. Any septic tank soak away will follow this path which may lead to contamination of our land and well water and ditches. Furthermore, with the increase of hard standing surface areas, roofs and roads this will increase the flow rate of surface water run-off and may cause flooding to our property.

Public Road infrastructure would struggle to cope with any potential increase in traffic on an already busy country public road. This is a winding, narrow country road with several blind corners, which is becoming more dangerous to the detriment of walkers, joggers, cyclists on cycle route 77, horse riders and traffic safety. We have contacted the P & K Roads Dept on several occasions to report water run-off which comes down Kingswells drive and crosses the public road, in the winter this leads to ice build-up and becomes very dangerous to all road users.

Wildlife Impact, concerns that wildlife habitat would be destroyed, the loss of small bird nesting habitats established on the banking in the wild gorse bushes where the new access road has been proposed. This development would impact on the abundance of wildlife on Deuchny Hill; families of roe deer, buzzards, kestrels, owls, bats, toads, red squirrels etc which use the open spaces as a feeding ground. Several wildlife species affected are protected species in accordance with the PALP Policy 82 of the Wildlife and Countryside Act 1981 and a full ecological study should be conducted.

Deuchny Hill is an area of outstanding scenic qualities which we feel is important to the setting of Perth, any development would have a detrimental visual impact on this area. We therefore request that both of these applications be refused on the grounds that they fail to comply with all of the Council's statutory policies and supplementary guidance in relation to new houses in the countryside.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Mr G P & Mrs E M Rowley

From RHYND ROAD



From RHYND ROAD.



FROM KINNOULL HILL WOODLAND PARK.



FROM KINNOULL HILL WOODLAND PARK.



Mr Peter T C Cruickshanks
Tayview
Muirhall Road
Perth
PH2 7LL

22 September 2011

Mr. A. Baxter
Planning & Regeneration
Pullar House
35, Kinnoull Street,
PERTH
PH15GD



Dear Sir

Application: 11/01373/FLL
Address: Land 300 Metres East of Kingswell, Kinfauns PH2 7LL
Proposal: Erection of 3 dwellinghouses

I have been given notice of the above application as an adjoining neighbour and I wish to object to the proposals on the following five grounds:

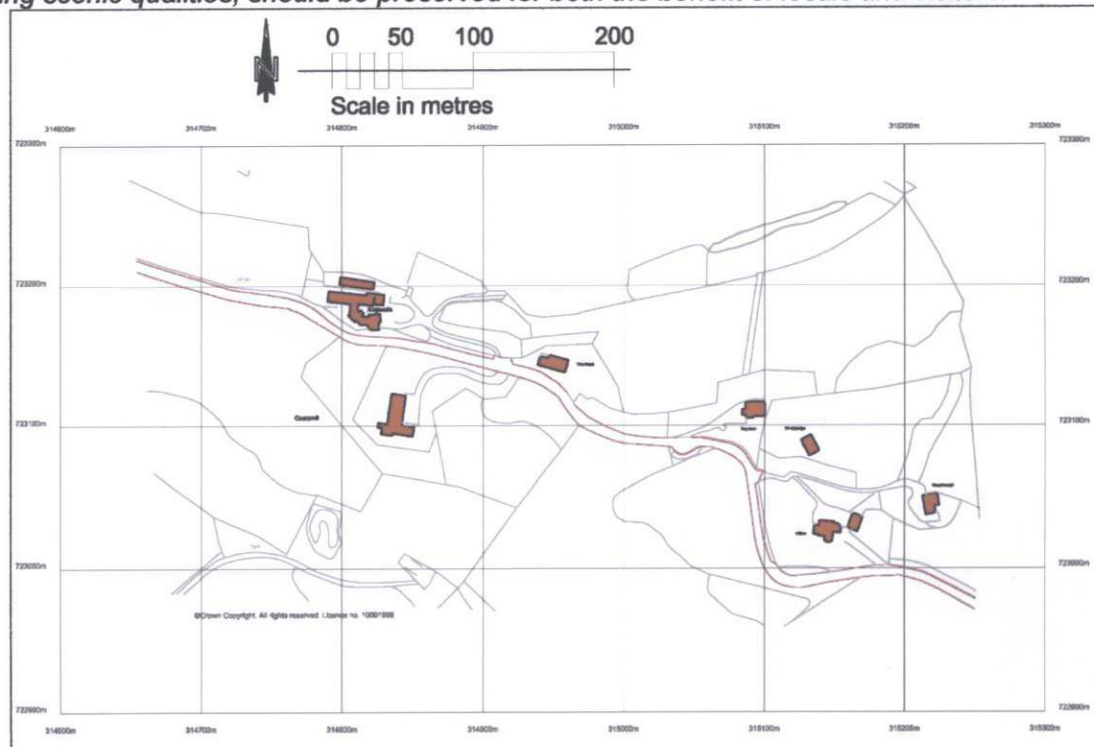
1. Housing in the Countryside

The development site does not comply with Policy 32 in the currently adopted Perth Area Local Plan (PALP) and will significantly detract from the character and amenity of the existing scattered housing.

Policy 32: The Council's policy in housing in the countryside recognises that the open countryside of Perth and Kinross, and its outstanding scenic qualities, should be preserved for both the benefit of locals and visitors.

a).
There are several dwellings in the Kingswell area but these are scattered and do not form an established settlement group with a compact shape and core.

The loose form of the existing buildings is demonstrated on the Ordnance Survey extract opposite



2. Area of Great Landscape Value

The development site is designated as an Area of Great Landscape Value (AGLV) and will breach Policy 12 in the currently adopted Perth Area Local Plan (PALP).

POLICY 12: There will be presumption against built development within the AGLV, except for development necessary for "operational need" At present, no operational need exists.

The landscaping proposal submitted with the application includes photographs which appear selective and do not accurately reflect the visual impact of the proposals on the AGLV. I attached further photographs (Appendix A) which more accurately demonstrate the prominence of the site when viewed from Kinnoull Hill, Rhynd Road on the south bank of the Tay and from the M90 at Friarton Bridge.

The proposed tree planting to the edges of Deuchny Wood will not mitigate the visual impact of three new dwellings in this dominant elevated position close to Kinnoull Hill.

3. Biodiversity

Development on this site will result in detrimental and permanent loss of wildlife habitat.

The following would be adversely affected by the proposals:

- Red squirrels in Deuchny Wood
- Toads (the site is a migratory route from the hills above Deuchny Wood to the lower Tay valley)
- Roe deer
- Bats
- Tawny owls
- Common buzzards (the site is used by buzzards for feeding and for training younger birds)
- Tadpole ponds (adjacent to proposed site entrance)

I would request that a detailed ecological survey is prepared and submitted to the Council prior to determination. Local residents should be consulted as part of this process.

4. Water & Drainage

My property (Tayview) is served by a private water supply which passes through the development site to a well adjacent to my house. The supply is fed by springs within the application site. I am concerned that the supply will be contaminated by building works, soakaway discharges, vehicle oil etc.

The existing public water supply is subject to low pressure and frequent breakages. I understand the supply pipework is asbestos.

Historically, there have been problems with water run-off from the development site discharging to my property and to my neighbour's property, The Neuk. Land drains have been installed to alleviate the problem however, should the development be approved, inevitable disturbances to the existing water course may cause recurring flooding.

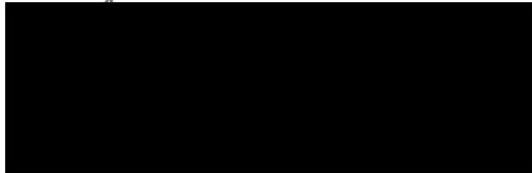
At present the water run-off leaves the site immediately to the west of The Neuk and causes considerable flooding on the public road. Further development with hardstanding will exacerbate this problem.

5. **Access Road**

The development will lead to an increase in the number of private and commercial delivery vehicles using the single track access road from Perth. Furthermore, the access road forms part of the National Cycle Network.

I should be grateful if you would acknowledge this letter and take all my points into consideration before making any decision.

Yours faithfully

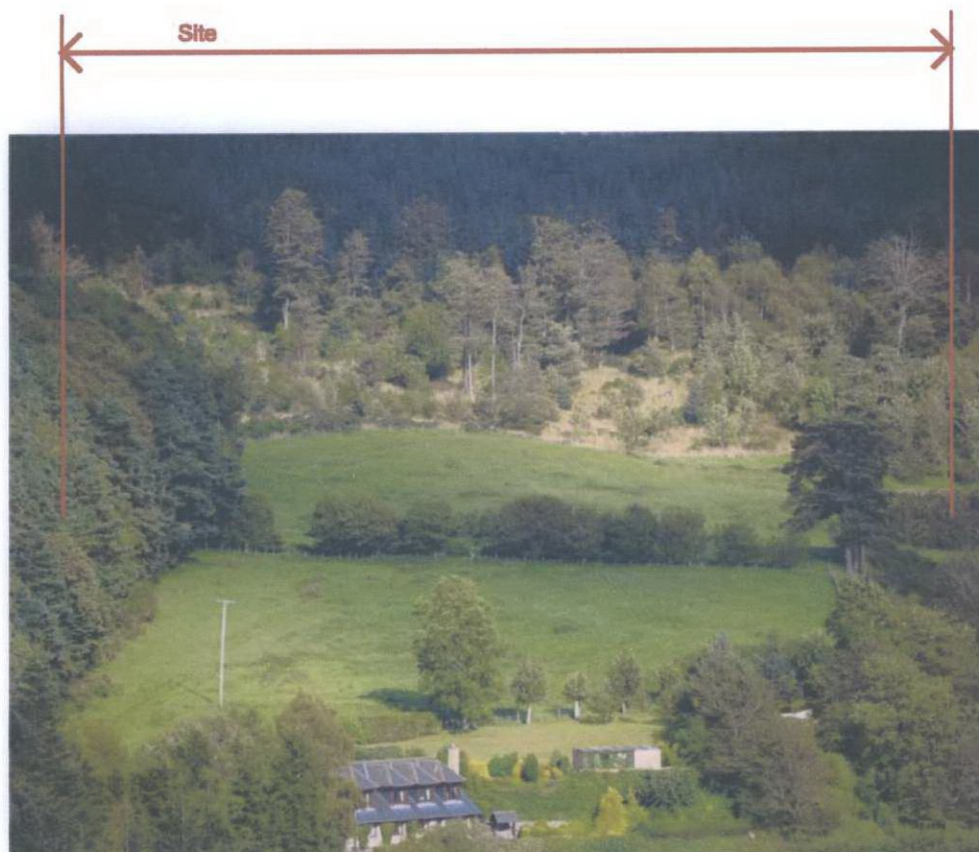
A large black rectangular box redacting the signature of the sender.

Mr. P. Cruickshanks

Appendix A (photographs)



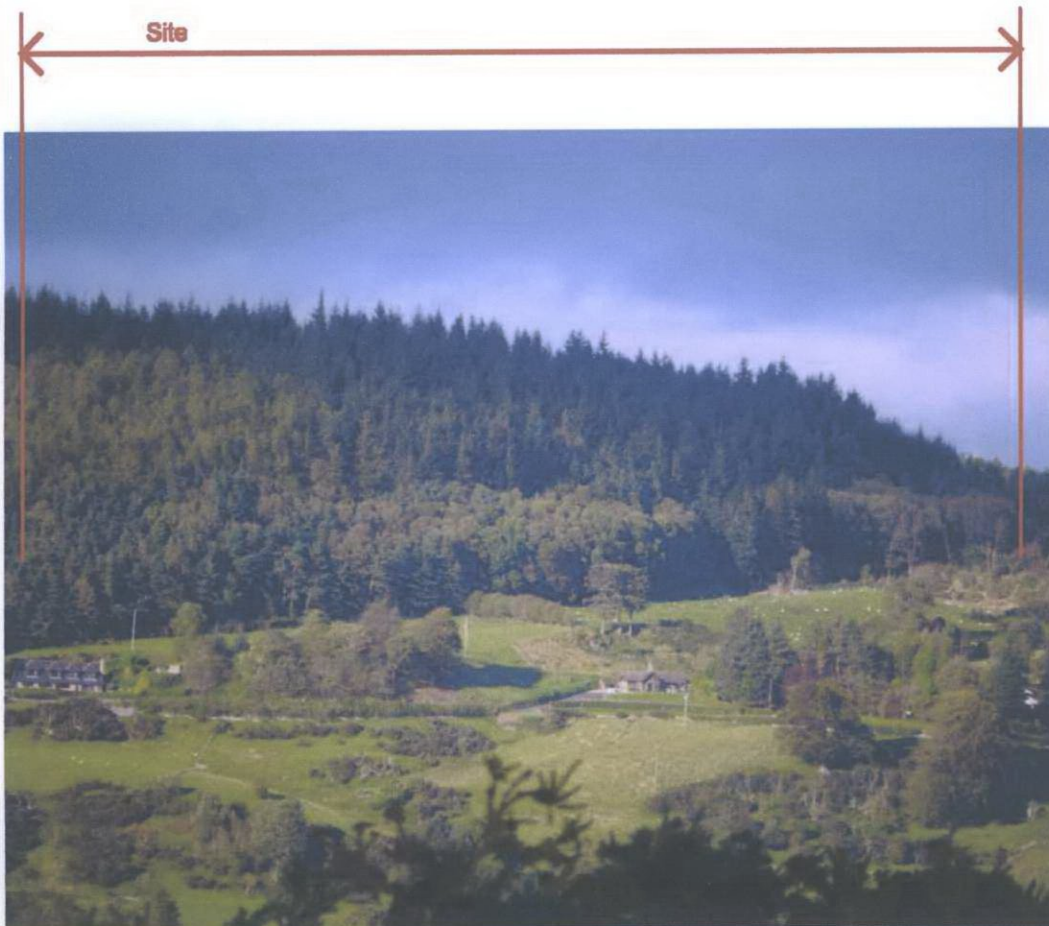
Application site viewed from M90 at Friarton Bridge



Application site viewed from Kinnoull Hill



Application site viewed from Rhynd Road



Application site viewed from Rhynd Road

Linda Al-Ibrahimi

From: JUDITH GRANT [REDACTED]
Sent: 23 September 2011 15:46
To: Development Management - Generic Email Account
Subject: Comments on Planning Applications 11/01373/FLL and 11/01399/FLL

Please find noted below my comments on the following planning applications which were recently submitted to Perth & Kinross Council: **Planning Applications 11/01373/FLL and 11/01399/FLL.**

Judith Grant
North Lodge
Muirhall Road
Perth

23 SEP 2011

23rd September 2011

Dear Sir

RE: Planning Applications 11/01373/FLL and 11/01399/FLL, erection of a total of 4 dwelling houses on land adjacent to Kingswell, Muirhall Road, Perth

I refer to the above planning applications submitted to Perth & Kinross Council and would like to make the following comments in respect of the proposed developments:

Traffic and Road Safety

- The net increase in traffic volumes on the public road which will provide access to the proposed new houses has been marked over the past few years, the impact of additional housing developments in the area (eg at Binn Farm) along with encouragement of the Perth public to use the local forestry commission for leisure pursuits/dog walking. This increase is likely to continue once the Murray Royal Hospital development is complete. Employees will no doubt seek to avoid the inevitable congestion that will arise at Bridgend, using the public road as a shortcut to the A90 (this will especially be true of those who reside in the Dundee area). The public road is not suitable for such increase in traffic - it is barely wide enough for 2 cars, there are very few passing places, many blind bends, and the road receives little attention from the council in winter both in terms of snow clearance and gritting. This development will only add to this traffic problem of the area at peak times.
- The public road which is intended providing access to the new houses is heavily used by recreational users of the area as the road connects the many bridleways, paths and Public Right of Ways of Kinnoull Hill, Deuchny Wood, Binn Hill and Kinfauns. The road itself is a designated cycle route (Route 77). Road safety is already a significant concern particularly of the many horse riders who use the public road to exercise their horses. The road is narrow and twisty with many blind corners and traffic habitually speed on the road. Any increase in traffic on this road will increase the risk of injury to horse/rider. This concern will of course be heightened during any development period when machinery / materials are brought on site.

As a resident and recreational user of this area, it is for the above reasons that I would not be supportive of the proposed developments on the land adjacent to Kingswells.

Yours faithfully

Castlehill
Muirhall Road
Kinfauns
Perth
PH2 7LL

A Baxter

~~23~~ 26 September 2011

RECEIVED

26 SEP 2011

Mr Nick Brian
Development Quality Manager
Planning and Regeneration
Pullar House
35 Kinnoull Street
Perth PH1 5GD



Dear Sir

Application Ref : 11/01399/FLL

Application Ref : 11/01373/FLL

I have received your notices of the two applications listed above and wish to object to both.

Commenting on the "Supporting Statement" by RISTOL for Ref 11/01399/FLL which applies to both applications :

Page 3, 2.0 The site

The site for the single house is actually to the west of Kingswells, not the east. The description of Kingswells as a "FARMHOUSE", because "farm stead development" is in vogue, is mischievous to say the least. I have known the area for over 50 years and this has never been a farm. The previous owner kept a few stock to keep the grass down, as does the present owner – one bullock and two ponies. Now a grazier with sheep has access. This is similar to my two paddocks directly to the south. The house was originally for the Kinfauns Castle butler!

The site lies within a designated AGLV – agreed.

Page 4, 3.0 The proposal

All water from hardstandings and drainage must gravitate downhill and the present ditches and drainage channels do not cope at present and any addition would exceed the capacity of drainage through my property which is only field tiles. (Mr Andy Brown, Roads Department, can confirm the problems on this stretch of road over many years.)

Mr Nick Brian

Page 2

26 September 2011

Page 4, 4.0 The planning context

(2) Impact on AGLV – Policy 12 of PALP includes a “presumption against new houses in an AGLV except on the basis of “OPERATIONAL NEED”. There is no operational need and none has been claimed.

The mention of Westcliffe, Kinfauns, as a new development within the AGLV is spurious. This was built on existing buildings. Westcliffe was originally the kennels for Kinfauns Castle. There also used to be a Mill worked from a pond and mill race on the site. This does not create a precedent.

In conclusion, should these applications be approved in any form, this would create a precedent to allow me to build houses in my two paddocks, east and west of Castlehill (map enclosed) and for Mr Geoff Brown (GS Brown Construction), the owner of Castle Farm, the opportunity of sites below the road opposite Tayview, Hilton and Beechwood, also from Castlehill west to The Lodge – all with suitable planting, of course!. The floodgates would be open!.

AGLV – Policy 12 NO OPERATIONAL NEED

NO PRECEDENT

NO APPROVAL.

Yours faithfully



Stewart A Hay



SKETCH ELEVATION house type A



T. Thicholde

SITE PLAN 1:1000



DATE _____

11/01344/3

REV A - BOUNDARIES TO PLATS 3 AND 4 AMENDED

James Denholm Partnership

Architects
11 Curlew Street, Canora, New South Wales, 2557
Tel: 011 7040 030000, Fax: 011 7040 070000

Private

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403</
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Land Subject to
Reforestation

Kingswell, Kinfauns,

Perth.

Proposed Site Plan

1:1000

2010	Jan 11	Rev. Date	27/07/11
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Doc. No.	3972	Doc. No.	P01	Rev.	A
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Memorandum

To Development Quality Manager

From Environmental Health Manager

Your ref PK/11/01373/FLL
Date 26 September 2011

Our ref SG
Tel No (01738) 476427

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission PK/11/01373/FLL: Erection of 3 dwellinghouses Land 300 Metres East Of Kingswells Kinfauns

I refer to your letter dated 6 September 2011 in connection with the above application and have the following comments to make.

Recommendation

I have no objections to the application but recommend the undernoted conditions be included in any given consent

The applicant wishes to gain planning consent for a residential development at Muirhall Road, Kinfauns near Perth. The application site is an area of mixed farmland and residential use and is located on a steep south-west facing slope above two existing properties namely Tayview and The Neuk.

Private Water Supplies

Tayview is located south of the application area between Plot 2 and Plot 3. This property is served by Scottish Water mains water supply but also has a private water supply (named Tayview supply, PKC risk assessment number: 1160) which, according to the owner, has been kept as a contingency due to the often intermittent nature of the mains supply on past occasions. Lack of pressure is noted in a number of objection letters which have been submitted.

While the private water supply is not consistently used within the property for human consumption, it is piped to within the loft space of the property where the pipe is capped but ready for use as required.

On inspection by this service, the source of this water supply appears to emanate from the hillside approximately 40 metres west of Tayview, which is directly downslope of the proposed site of Plot 2. Of concern is that the intended location of the septic tank soakaway for Plot 2 appears to be directly above the likely source of the private water supply. Private water supplies are very vulnerable to contamination and the discharge of septic tank effluent is likely to pose a serious risk of contamination to the private supply in this case. Consumption of bacteriologically contaminated water is known to have the potential to cause adverse health effects.

Drainage

I am concerned that the proposed location of the septic tank soakaways for plots two and three may have a detrimental effect on the amenity of the existing properties namely Tayview and The Neuk. Following a site visit and studying maps and plans of the proposal I have noted the steep sloping nature of the area and apparent shallow soil profile and rocky nature of the areas geology. I am concerned the proposed development may lead to an increase in runoff of surface water as well as grey water from soakways which could result in future flooding and odour issues for the existing properties down slope of the application site.

I therefore have no objections to the proposed application however should you be minded to grant permission I believe it is necessary to impose the following conditions due to potential risks associated with the existing private water supply and the proposed drainage arrangements.

Conditions

1. The septic tank soakaways of each plot shall be designed and positioned in such a way that no effluent is able to enter the groundwater or surface water systems which feed or affect the source waters of the private water supply known as Tayview supply or any other private water supplies known to exist in the area.
2. The septic tank soakaways for each plot shall be designed and positioned in such a way that effluent entering the groundwater or surface water systems do not result in a loss of amenity for the existing properties located down slope of the application site.
3. The drainage arrangements for the proposed development shall be sufficiently robust to prevent flooding of the existing properties down slope.



William Kay (Objects)

Comment submitted date: Tue 27 Sep 2011

? The proposed location of the three houses in the fields to the north of Tayview would be clearly visible to anyone using the Deuchney track and would therefore have a detrimental impact on the surrounding landscape.

? It does not meet any of the categories for New Houses in the open Countryside

? Both the building and occupation of new houses in this location would increase traffic on the Muirhall Road that extends to Balthayock, which is a narrow and winding road unsuited to taking additional traffic.

? The additional houses would place extra demands on our water supply which is already subject to pressure drops and outages.

? The proposal would set a precedent for speculative new build development in this AGLV which would be against both the spirit and letter of good planning policy.



MEMORANDUM

To	Andrew Baxter Planning Officer	From	Tony Maric Transport Planning Officer Transport Planning
Our ref:	TM	Tel No.	Ext 75329
Your ref:	11/01373/FLL	Date	16 December 2011

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 11/01373/FLL for planning consent for:- **Erection of 3 dwellinghouses Land 300 Metres East of Kingswells Kinfauns for Mr N Lowe**

Insofar as the Roads matters are concerned I note the comments from the objectors regarding the impact of increased traffic on the local road network. However, I am satisfied that the extra traffic generated by three houses will have a negligible effect on the local road network. Therefore, I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.

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

I trust these comments are of assistance.

TCP/11/16(197)

Bridgend, Gannochy & Kinnoull Community Council
www.bgk.org.uk
Chairman – Graham Fleming, Secretary – Deirdre Beaton
c/o GO@L, 1 Bowerswell Road, Perth PH2 7DL
bgkcc@hotmail.co.uk



Gillian Taylor
Clerk to the Local Review Body
Perth & Kinross Council
2 High Street
Perth
PH1 5PH

16 July 2012

Dear Mrs. Taylor,

Local Review Body: Application ref. 11/01373/FLL

Thank you for your letter of 6 July 2012.

Bridgend, Gannochy & Kinnoull Community Council wishes to convey to the Local Review Body that it maintains strong objections to this proposed development on the following grounds:

1. the proposed development is contrary to policies 12 and 32 of the Perth Area Local Plan 1995 in that it would have a negative visual impact in an area designated as AGLV.
2. the road infrastructure on which this proposed development depends is currently inadequate to support the additional traffic which would result from such proposed developments, in that:
 - a) the road system at Bridgend has currently reached its capacity, where the pollution caused by traffic congestion has created an AQMA;
 - b) the roads providing access to the Kinnoull Hill area, viz. Lochie Brae, Manse Road and Bowerswell Road, are narrow, lacking adequate pavements and do not meet the UK specifications for urban access.

It should be noted, as documented in Clause 6 of the minutes of the Bridgend, Gannochy & Kinnoull Community Council meeting held on 15 September 2011, that many members of the public have urged the Community Council to support their objections to this proposed development, whereas no comments were received in support of it.

Yours faithfully,

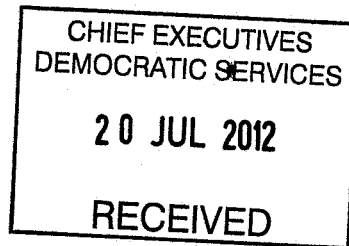

Graham Fleming

19 JUL 2012

19 JUL 2012

TCP/11/16(197)

Gillian A Taylor
Clerk to the Local Review Body
Perth & Kinross Council
2 High Street
PERTH
PH1 5PH



17 July 2012

Dear Ms Taylor

Town & Country Planning (Scotland) Act 1997

The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008

Application Ref: 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswells, Muirhall Road, Kinfauns – Mr N Lowe

We, as neighbouring proprietors to the proposed development, objected to this application when it was submitted in August 2011. Although it took longer than expected for a decision to be made, we were satisfied that (a) the issues raised by the proposal were fully and fairly appraised by planning officials as the Council's professional advisers, and, (b) the Council's Development Plan, supplementary guidance and "other material considerations" were correctly interpreted to require the refusal which was issued on 11th April 2012.

As the weight of valid argument against any or all of these houses is conclusive it is disappointing that the applicant has chosen to appeal but, as he has done so, we ask in response to your letter of 6th July, that the Local Review Board be presented with this letter recording our continued objection to the proposal. Having now read the appellant's Planning Statement dated 22nd June 2012, we also wish to make the following points of rebuttal.

1. This application lies within a belt of land which separates the City of Perth from the first ring of satellite villages, roughly on a 5 to 7 mile radius. All of the land in that belt is either attractive countryside in its own right or is important to the landscape setting of the city. Since the 1960s, successive councils have recognised that this area is under particular pressure from small, *ad hoc*, opportunistic, housing developments which, cumulatively, would "suburbanize" the countryside in a very negative way. The County Council, the District Council, the Regional Council and the current Perth and Kinross Council have therefore consistently picked this area out for special protection by designating it an Area of Great Landscape Value. Furthermore, the Main Issues Report for your new Local Plan has proposed that the AGLV designation be up-graded to Green Belt status. The decision to do so is indicative of the need to strengthen the protection offered to such a vulnerable area which is not, as the appellant seems to think, just another tract of Perthshire countryside. It is, in fact, the only proposed Green Belt in Perth and Kinross and occupies a tiny fraction of the 2,000 square mile administrative area.

2. The appellant claims that the proposal complies with your Housing in the Countryside policy 2009 on the grounds that the site forms part of a building group **but it does not**, for the following reasons.

(i) The policy does not, as the appellant assumes, apply uniformly across the whole Perth and Kinross area. The policy document makes it perfectly clear in its 'Introduction' that its relevance is "*subject to specific circumstances identified in Local Plans...*" It then lists a series of nine "specific designations" where the Housing in the Countryside Policy must also comply with the relevant local plan policy guidance for these areas. One of these designations is "Areas of Great Landscape Value" within which, as will be explained below, "*there will be a presumption against new houses except on grounds of operational need*". **No operational need exists, or has been claimed, in this case.**

(ii) Kingswells is not, as the appellant claims, a "Building Group" of the type referred to in the policy. The seven existing houses referred to have no cohesion of the type required for a group, no core and, with one exception, all of the existing houses are strung out in an extended ribbon on the north side of Muirhall Road.

(iii) Another requirement for new houses in building groups is that "*they do not detract from both residential and visual amenity of the group*". The three houses proposed are to be situated at a considerable elevation above the existing houses in an open landscape with the inevitable consequence that they would adversely affect the residential and visual amenity of the group. Although the illustrative sketches submitted in support of the application show generous peripheral planting within the proposed plots none of this exists at present and it will be a very long time before any proposed planting will have a mitigating effect. The plots will also be a highly intrusive presence in external views towards this section of Muirhall Road which can be seen from large parts of the Tay Valley and Friarton Bridge (See our Production 1). The sites are particularly prominent from the Rhynd Road which we encourage the Review Board to visit. All of these viewpoints are within the AGLV/Green Belt and it can therefore be said that approval of the proposal will have an entirely negative effect on those designations.

(iv) Although the policy does allow for houses "*which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting*" the proposal is not such an extension. It is, rather, a major "bite" into an elevated and highly visible part of the AGLV/Green Belt. The landscape containment implied by the appellant's 'Productions' does not yet exist and is entirely contrived to provide a mitigating effect **some 10 to 20 years from now**. The claim in paragraph 2.3 of the Planning Statement that the proposal will have "*A significant positive effect on the landscape*" is simply preposterous.

3. The Perth Area Local Plan 1995 (as amended) provides the statutory framework for determining these proposals. The policy which is most relevant to the above applications is Policy 32 (page 20). It offers no comfort for the proposals since it clearly states:

“The District Council’s District wide policy on Housing in the Countryside will apply within most of the landward area. Within Areas of Great Landscape Value, the National Scenic Area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.”

Annex 1 in the local plan sets out in the Housing in the Countryside Policy as it existed in May 1994 and, while the detail contained there has been superseded by the 2009 policy referred to above, the wording – particularly in relation to Building Groups – is very similar. Unlike the 2009 policy, the local plan version sets out illustrations for guidance on how to identify a Building Group and it is clear, by comparison, that Kingswells would not satisfy the definition of a Building Group contained in the local plan.

4. Local Development Plan Main Issues Report (September 2010)

Work is currently underway to produce a new Local Development Plan. When adopted, this will provide a new statutory content for the whole Perth & Kinross area. The contents of the Main Issues Report, which was published in September 2010, are material considerations of relevance to the above application. The relevant section lies in paragraphs 5.2.8 to 5.2.9 which contain proposals for a Green Belt around the City as a replacement for the existing AGLV designation. It can be seen from MAP 1 in that document that Kingswells lies well within the proposed Greenbelt boundary and that the accompanying guidance states:

“Greenbelt policy should be robust and as an example it is proposed to limit housing in the countryside to conversions or replacement buildings, excluding infill and Brownfield development categories. Any small settlements within the greenbelt will have settlement boundaries drawn to limit development opportunities.”

None of the proposed houses would be located on an infill or Brownfield site and they would therefore be prejudicial to the aims of the emerging plan.

5. Landscape impact assessment is largely a subjective matter but, as noted above, the appellant’s own productions show that the sites for the proposed houses are currently devoid of trees and other natural landscape features. Furthermore, the woodlands which currently provide a backdrop to the proposed houses are entirely outwith the appellant’s control and, within the foreseeable future, are likely to be harvested in the normal way for commercial woodland. They cannot therefore be the subject of protective conditions in any planning consent.

6. Mention is made (paragraph 1.3.3) of the fact that SNH did not object to the application. If more care had been taken in preparing the appeal document it would have been noticed that there was no possibility of SNH making any comment since they weren't consulted. They are not a statutory consultee in these circumstances and, presumably, the clear breach of policy – on locational grounds – made it unnecessary to involve them. In any case, the judgement in relation to landscape impact and other land use considerations was one for the Council to make.

7. Mention is made (paragraph 2.5) of a £19,185 commuted sum contribution arising from the development to the benefit of affordable housing. This, again, is a mistake since the sum in question arises from an education levy.

8. Highly selective extracts from *Scottish Planning Policy (SPP)* 2010 have been quoted (paragraph 2.6 and elsewhere) in support of the proposal but, when read more objectively, the SPP is of little assistance to the appellant's case. Firstly, the section of the SPP on rural development specifically points out that:

“The character of rural areas and the challenges they face vary greatly across the country, from remote and sparsely populated regions to pressurized areas of countryside around towns and cities”

AGLV's and Green Belts in the immediate hinterland of a city are clear examples of “pressured areas”.

9. A number of alleged precedents are mentioned as justification for the proposal but none of these is, in any way, as flagrant a breach of policy as the appeal proposal. Indeed, we cannot see that they are a breach at all: for example, 11/00897/IPL at Over Kinfauns is a clear example of “infill” within a recognized hamlet and an established row of long-established houses. The fact that the appellant should seek to justify his own proposal by reference to others in the area is, however, a clear example of the planning dictum that “one man's consent is another man's precedent” and this tactic is proof, if proof were needed, that the Review Board should be particularly wary of departing from policy in “a pressured area”.

Precedents, if they exist, can of course work both ways and we ask you to take particular note, as a “material consideration” of the fact that, in 1996 (Ref No. PK96/0026), your Council refused consent for a single house on a site that is in the immediate vicinity of the current proposal. The site of the 1996 application is, in fact, in a much less conspicuous and obtrusive location within the landscape than the one we are currently objecting to. We ask you to note that the refusal was based on all of the policy violations we have previously drawn to your attention namely:

- contrary to the Housing in the Countryside Policy (because this is not a “building group”)
- the site is within an AGLV and the proposal is not justified by an operational need
- adverse effect on the Kinfauns designed landscape

It is an established principle of planning practice that applications which raise similar issues in similar policy frameworks should have equal and consistent outcomes. If they do not, the planning system itself becomes discredited and exposed to subsequent pressure by the "me too" argument. The AGLV/Green Belt is particularly vulnerable to random, opportunistic, attempts to claim exemptions which, rightly, have been denied to others and, if tight control is not maintained in these circumstances, this precious landscape and recreational belt around the city will become "suburbanized" in a way that is incompatible with the Council's objectives. The appeal proposal will have precisely that effect.

In Conclusion

For the reasons given above and in the Delegated Report of Handling, we ask the Local Review Board to dismiss the appeal. The reasons for doing so are clear cut and we see no need for further delay or a hearing but, if one is to be held, we would wish to be represented by our own planning adviser. Either way, we think it is important that the Board visits the site to see for itself the full extent to which the proposal violates planning policy and the objectives of landscape conservation.

Yours sincerely

Name: PETER CRUICKSHANKS

Signature:

Address: TAYVIEW MUIRHALL ROAD
PERTH PH2 7LL

Name: MR & MRS G.P. ROWLEY

Signature:

Address: THE NURK, MUIRHALL ROAD
KINFARNS, PERTH. PH2 7LL

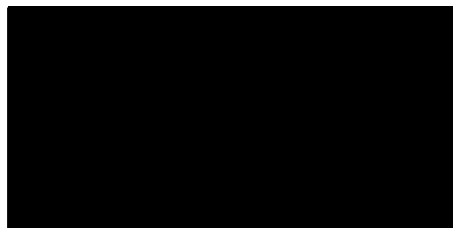
Name: MR & MRS STANLEY HAY

Signature:

Address: CASTLEHILL, KINFARNS
PERTH PH2 7LL

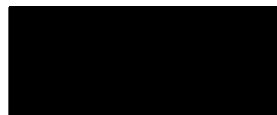
Name: Mr. Mrs Waugh.
Address: The Steading
Upper Kinfauns
Perth PH2 7LJ.

Signature:



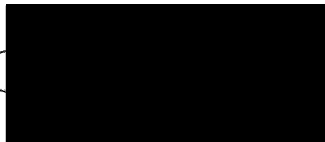
Name: Mr. Mrs Forbes
Address: Binn's Boery
Kinfauns
Perth. PH2 7LJ

Signature:



Name: MR & Mrs Pearson
Address: 1 Binn Cottages
Kinfauns
Perth PH2 7LJ

Signature:



Name: Mrs D Wood
Address: HILTON
MUIRHALL ROAD
PERTH PH2 7LH

Signature:



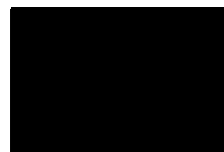
Name: ANGELA CALDER
Address: WINDYEDGE
MUIRHALL ROAD
PERTH PH2 7LL

Signature:



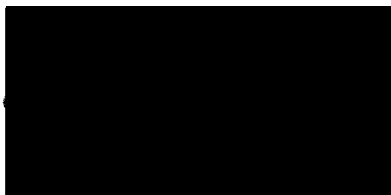
Name: Mr & Mrs Kay
Address: Binn farmhouse
Kinfauns
Perth PH2 7LJ

Signature:



Name: B. Berman
Address: BERNIE WAY
Kinfauns Perth PH2 7LL

Signature:



Name: DAVID BETT

Signature:



Address: SQUIREKNOWE
COTTAGE
BALTHAYOCK
KINFARNS
PERTH PH27LG



Ms G Taylor
Clerk to the Local Review Body
Perth & Kinross Council
2 High Street
Perth PH1 5PH

By email & post



RISTOL

Ristol Ltd
Touch Business Centre
Touch Estate
Cambusbarron
Stirling FK8 3AQ
OFFICE 01786 465 782
FAX 01786 471 438
EMAIL info@studioristol.com
studioristol.com

3rd August 2012

Dear Ms Taylor,

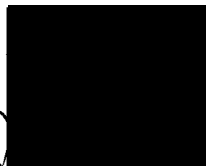
Town & Country Planning (Scotland) Act 1997

Application 11/01373/FLL – Erection of 3 dwellinghouses on land some 300m east of Kingswells, Kinfauns – Mr N Lowe

Response to representations received dated 23rd July 2012

Further to your letter of the 23rd July 2012 enclosing copies of representations submitted by the Bridgend, Gannochy & Kinoull Community Council dated 16th July 2012 and a combined neighbouring proprietors submission dated the 17th July 2012, I am instructed by the applicant to make further representations to the Local Review Board. These are contained in the accompanying Supplementary Statement dated 3rd August 2012 and I would request that this Supplementary Statement is exhibited to the Local Review Board.

Yours sincerely,



C Mark Richardson BSc (Hons) MRTPI
Director

encs

cc Mr N Lowe

Registered office
10 Albert Place
Stirling FK8 2QL
REGISTERED NO 321 813

Planning Statement



RISTOL

Date:

3rd August 2012

Supplementary Statement:

Application number 11/01373/FLL

The erection of three dwelling houses on land at 300 meters east of Kingswells, Kinfauns.

Applicant – Mr N Lowe, Kingswells, Kingswells.

Agent – Ristol Ltd, Touch Estate, Stirling.

Ristol Ltd

Touch Business Centre
Touch Estate
Cambusbarron
Stirling FK8 3AQ

OFFICE 01786 465 782

FAX 01786 471 438

EMAIL info@studioristol.com


studioristol.com




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Issued

Date: 3rd August 2012 Checked:  Mark Richardson

Signature: 

Job Ref: 5000-03-47



1.0 Supplementary Statement

- 1.1 Following Perth & Kinross Council's decision to refuse planning application 11/01373/FLL on the 11th April 2012, the applicant applied for a review of the decision to the Local Review Board on the 22nd June 2012.
- 1.2 A Statement of the grounds for review was submitted to Perth & Kinross Council on the 22nd June 2012.
- 1.3 Following this submission, representations were made by Bridgend, Gannochy & Kinoull Community Council on the 16th July 2012 and a combined neighbouring proprietors was submitted on the 17th July 2012. In light of these submissions, Ristol Ltd are instructed by the applicant to make further representations to the Local Review Board, as provided for under the *Town & Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2008*.
- 1.4 The Statement of Grounds for Review dated 22nd June 2012 details the case for the applicant and are not repeated in this Supplementary Statement, which focuses on addressing planning matters raised in the above submissions. This is intended to assist the Local Review Board in its determination.
- 1.5 Bridgend, Gannochy & Kinoull Community Council raise two planning matters;
 - that the planning application is contrary to policies 12 & 32 of the *Perth Area Local Plan* in that they contend it would have a negative visual impact on the Area of Great Landscape Value (AGLV)
 - the road infrastructure is unable to support additional traffic.
- 1.6 As detailed in the Statement of Grounds for Review, sections 25 and 37 (2) of the *Town and Country Planning (Scotland) Act 1997 (as amended)* require the determination of planning applications to be made in accordance with the provisions of the development plan, unless other material considerations indicate otherwise. Policies 12 and 32 of the *Perth Area Local Plan (as amended) 2000* have been superseded through the publication of the *Scottish Planning Policy* which advocates a policy regime based on facilitating positive landscape change, whilst maintaining and enhancing distinctive character. This approach to policy implementation is evidenced in recent planning decisions made by the Council in support of residential development within the AGLV (11/00897/IPL). Both the *Scottish Planning Policy* and recent planning decisions are considered by the applicant to be material considerations that carry significant weight as provided for in Circular 4/2009 *Development Management Procedures (Annex A)*.
- 1.7 The landscape and visual assessment accompanying the planning application and detailed in Appendix 5 of the Statement of Grounds for Review, concludes that the site is well contained by existing strong landscape features which could absorb the



- proposed houses and the development would not have an adverse impact on the character and integrity of the AGLV.
- 1.8 In relation to road infrastructure, no objection was made by the Council's transport team during the determination of the application on the adequacy of the road network to accommodate the proposed development.
- 1.9 The combined neighbouring proprietors raise the following planning points:
- The site is within the AGLV
 - The site does not conform with the Council's *Housing in the Countryside Policy 2009* on the grounds that it is not a "building group" as defined under the Council's *Housing in the Countryside Policy 2009*
 - The emerging Local Development Plan identifies the site as falling within proposed green belt
 - Landscape and visual impact
 - Relevance of the precedents raised
 - Developer contributions
- 1.10 The applicant accepts that the site is within the AGLV but as detailed in the Statement of Grounds for Review, material planning considerations of significant weight exist which establish that AGLV designations should not be viewed as a policy mechanism presuming against the principle of development. 1.1.10. The planning application was preceded by a pre-application review with the Planning Officer, which included an accompanied site visit with the applicant's planning consultant and architect, the issue of concept drawings and subsequent written response. The Planning Officer's pre-application advice is found in Appendix 6.
- 1.11 The Council clearly state within the Pre Application Consultation (Appendix 6 Statement of Grounds for Review) and in the Report of Handling (Appendix 8 Statement of Grounds for Review), that the application sits within a defined building group, in accordance with the locational criteria contained within the Council's *Housing in the Countryside Policy 2009*.
- 1.12 As regards landscape and visual impact, Appendix 5 of the Statement of Grounds for Review details the landscape and visual assessment undertaken by a professional landscape practice, Ian White Associates. The conclusions are presented in para 1.7. We would draw to the Local Review Board's attention the landscape strategy and visual assessments (before & after) contained in the Landscape Appraisal (Appendix 5 Statement of Grounds for Review). This highlights how the proposed development fits into the landscape and through the woodland planting, enhances the character of the AGLV, in accordance with national planning policy. We note the photographs accompanying the neighbouring proprietor's submission and would be interested to learn when these were taken.
- 1.13 The neighbouring proprietors raise the issue of woodland adjoining the northern boundary of the site (Deuchny Wood) which in due course will be felled. It is the



applicants understanding that under the forestry plan this will need to be replanted. However, the proposed woodland planting incorporated into this application is in part intended to reinforce the existing woodland in order to protect the character of the area and plan for future felling at Deuchny Wood.

- 1.14 The emerging Local development has a draft status and the weight that can be afforded to it is minimal, as provided for in Circular 1/2009 *Development Planning*. In determining a recent planning application (ref 12/00078/FLM) the Council stated that *“Although approved by the Council as a Draft Plan, the LDP is at an early stage and public consultation has yet to be concluded. Whilst it is a material planning consideration, reflecting a more up to date view of the Council, it is acknowledged that only limited weight may be accorded to it in the consideration of this proposal.”*
- 1.15 In terms of precedents used, reference is made to planning application PK96/0026. The applicant highlights that this application was determined prior to the new policy framework established by the *Housing in the Countryside Policy* came into force in 2009.
- 1.16 The developer contribution of £19,185 has been raised and we correct the Statement of Grounds for Review to note that this significant sum is for improving local educational provision and not affordable housing.
- 1.17 We note the neighbouring proprietors do not object to the Local Review Board conducting this examination through a Hearing, and as such we would respectfully request that a Hearing is undertaken on the grounds that this would enable considered assessment of the landscape and visual issues raised.
- 1.18 It remains the applicant’s position that this application accords with national and local planning policy and is an appropriately scaled and quality development that will make a positive contribution towards rural housing land requirements.

3rd August 2012
Ristol Ltd

TCP/11/16(197)

Planning Application 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswell, Kinfauns

WRITTEN SUBMISSIONS

- Written Submission from Development Quality Manager, dated 25 October 2012
- Written Submission from Landscape Architect, dated 26 October 2012
- Agents comments on Written Submission, dated 8 November 2012
- Interested Parties comments on Written Submission , dated 8 November 2012
- Letter from Interested Parties, dated 19 November 2012

**Written Submission
by
The Environment Service**

**TCP/11/16(197): 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswell, Kinfauns – Mr N Lowe
and
TCP/11/16(201): 11/01399/FLL – Erection of a dwellinghouse at Kingswells, Muirhall Road, Kinfauns, PH2 7LL – Mr N Lowe**

1. On first impressions the landscape proposals for the new houses provide text book landscape mitigation for the development. Providing that the proposed woodland screening can be planted several years in advance it should serve to integrate the new buildings into the landscape and cause minimal landscape and visual effect. However, it should be noted that details on the housing type, scale, height and materials are not discussed in detail nor confirmed and this would have a bearing on whether they can be fully integrated into the existing landscape setting of the area. The proposed landscape solution is similar to other Ian White schemes such as the Dundee science park on the western edge of Dundee where it has been successful.
2. Whilst from a landscape point of view I think the proposal is suitable in principal, I am concerned that it contradicts planning policy as it is located on AGLV and Greenbelt where there is a presumption against new buildings and if it were to be permitted may in fact create a precedence for further development. In this instance I feel the main issue with this application is not its effect on the landscape per se but whether it should be deemed acceptable to develop in this locality at all and therefore the decision should be driven by planning policy.
3. The proposed residential development is considered to be compatible with its surroundings but only in respect of the neighbouring land use. However, this does have the caveat that any dwellings located within the countryside may be subject to occasional disturbance from rural activities, in terms of noise, smells, etc.
4. I would also add that the Greenbelt policy in the Proposed LDP is now given a material consideration and this policy does carry a presumption against housing within the Greenbelt, with the exception of operational need and conversion of traditional buildings. To this end the landscape impact of the proposed residential development is not necessarily the determining factor as even if there was regarded as being an acceptable landscape framework there would now still be the presumption against the development within the Greenbelt.

Nick Brian
Development Quality Manager

and

Douglas Cook
Landscape Architect

Memorandum

To Gillian A Taylor

From Douglas Cook

Your ref 11/01373/FLL and 11/01399/FLL

Our ref

Date 25/10/12

Tel No

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Proposed Development at Kingswell Kinfaus: Landscape Review

Context:

The proposal is for the development of four residential properties set within an AGLV, an area of Greenbelt and lies approximately 800 – 1000m to the east of Kinnoull Hill.

The proposed sites are located on the southern edge of Deuchny Wood.

The proposal:

The proposals seek to develop a strong woodland framework to provide screening and landscape integration of the four housing plots. It has been confirmed by Ian White Associates that the woodland planting would be carried out in advance although a timescale has not been identified.

Review:

The landscape proposals as shown in the landscape appraisal document provide text book landscape mitigation for the development. Providing that the proposed woodland screening can be planted several years in advance it should serve to integrate the new buildings into the landscape and cause minimal landscape and visual effect. However, it should be noted that details on the housing type, scale, height and materials are not discussed in detail nor confirmed and this would have a bearing on whether they can be fully integrated into the existing landscape setting of the area. The proposed landscape solution is similar to other Ian White schemes such as the Dundee Science Park on the western edge of Dundee where it has been successful.

In this case I feel that in principle the landscape proposal would integrate the development and minimise the landscape and visual effects of the development in the wider landscape however, without information of the housing style it is not possible to assess their full effect on the landscape.

The visualisations focus on the proposed increase in tree cover and do not include the houses themselves nor does the appraisal demonstrate how the increased housing density and removal of open fields will affect the local and immediate landscape character along the minor road between Jubilee car park and to the pass at Deuchny Hill/Binn Hill.

It is likely that the proposed landscape and new housing will add a sense of enclosure to the north side of the minor road and therefore change the sequential spatial quality of the road. In other words the existing woodland edge in the vicinity of the proposed development would be brought forward to the road side on the approach to Kingswell from the west and the fields to the east of the property at The Neuk will be partially filled in with woodland and thus altering the spatial structure of the locality. This in itself may not be deemed to significantly affect the overall character of the local area given that the main views are to the south and overlooking the Tay. However, for local residents in the area the proposal represents a 40% increase in dwellings and increases the sense of enclosure and encroachment. Whereby, the proposed development links together the spatially separated building clusters and individual buildings into a coherent string of buildings.

Whilst, the landscape proposals address the landscape and visual effects on the wider landscape, it is possible that the proposals may affect the character of immediate local area and this should be considered along with

planning policies which have a presumption against development in the greenbelt and AGLVs. It should also be considered that if consented, the development may set precedence for other future developments in the area and therefore a carefully considered planning judgement is required.

If there is the desire to review this application further, I would recommend that a further landscape character assessment is carried out by the developer to assess the effects of the development on the immediate landscape setting of the nearby dwellings and spatial sequence along the minor road. This should include viewpoint analysis from each of the six nearby properties, effects on walkers using the core footpaths at Kinnoull and Deuchny Hills and sequential views from the road.

In such an assessment I would expect local visual receptors such as residents, walkers and tourists using the minor road to be of High sensitivity and other road users to be of Medium sensitivity. The local landscape character should be considered to be of High sensitivity owing to its position within an AGLV, Greenbelt, its elevated location and good condition.

In addition, further information on the tree planting proposals should be sought and include planting timescales in relation to the predicted build time of the proposed residential properties. The provision of this information would allow our Principal Tree and Woodland Officer to advise on the feasibility of the proposed planting and its compatibility with the adjacent woodland.

Please do not hesitate to contact me if you wish to discuss this further.

Regards

Douglas Cook

Ms G A Taylor
 Clerk to the Local Review Body
 Perth & Kinross Council
 2 High Street
 Perth PH1 5PH

Via post and email

CHIEF EXECUTIVES
 DEMOCRATIC SERVICES

- 9 NOV 2012

RECEIVED



RISTOL

Ristol Ltd
 Touch Business Centre
 Touch Estate
 Cambusbarron
 Stirling FK8 3AQ
 OFFICE 01786 465 782
 FAX 01786 471 438
 EMAIL info@studioristol.com
 studioristol.com

8th November 2012

Dear Ms Taylor,

Town & Country Planning (Scotland) Act 1997

The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008

Application 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswells, Kinfauns – Mr N Lowe

Application 11/01399/FLL – Erection of a dwellinghouse at Kingswells, Muirhall Road, Kinfauns, PH2 7LL – Mr N Lowe

Further to your letters of 25th and 26th October 2012 in relation to the above applications currently being considered by the Local Review Body, please find enclosed a report entitled *Landscape Appraisal – Supplementary Information requested by Perth and Kinross Council November 2012*. This is a formal response to the written submission received from the Council's landscape architect as requested by members of the Local Review Body at its meeting of 11th September 2012. I would be grateful if this information could be forwarded to the Local Review Board along with this covering letter.

We note that the Council's landscape architect has concluded that from a landscape point of view the proposal is suitable. He considers that the landscape proposal would serve to integrate the new buildings into the landscape and cause minimal landscape and visual effect. Furthermore, the landscape approach proposed by the applicant's professional team is reflective of single projects they have undertaken which the Council's landscape architect notes have been successful. The conclusions reached by the Council's landscape architect are consistent with the pre-application consultation undertaken between the applicant's team and the Council's planning officer as detailed in the *Statement of Grounds for Review, June 2012*. This established that the application site conforms with the locational policy framework contained in the *Housing in the Countryside Policy (2009)* in that the site is a defined building group with the capacity to accommodate the development proposal.

In his assessment of the applications, the Council's landscape architect has raised three points of detail, namely the woodland planting scheme and timeframe, the proposed building materials and house type details and the effect of the proposal on the immediate landscape (neighbouring properties and key public views)

Registered office
 10 Albert Place
 Stirling FK8 2QL
 REGISTERED NO 321 813

setting. To assist the Local Review Body's consideration of these comments, the applicant has commissioned further work by their landscape architect, Ian White Associates, the findings of which are contained within the accompanying report. This work was informed by a meeting between Ian White Associates and the Council's landscape and planning officers on 17th October 2012. It should be noted that both planning applications are detailed with the submissions including house type layouts, elevation treatment and sections. This was relayed to the landscape officer as part of the above meeting.

The resultant landscape appraisal concludes that the points of detail identified by the Council's landscape architect have been addressed and that the proposed development will have no significant impact on the character of the immediate landscape or the spatial sequence of views on the minor roads. The landscape and visual impact of the proposed development will be almost completely absorbed by the new woodland planting within a reasonable timescale. The landscape and visual impact on recreational uses is not considered to be significant based on an assessment against the *Landscape Institute's guidelines for landscape and visual assessment*. Work concludes that the proposed development will not have an adverse landscape or visual impact on existing properties and that the proposed woodland will enhance the quality of the AGLV by providing succession and increasing the species diversity. The assessment concludes that the proposed sites have the landscape capacity to absorb the development in accordance with the *Housing in the Countryside (2009)* policy framework. This is entirely consistent with the Council's previous granting of planning permission for residential development within the AGLV, as recently evidenced by the grant of planning consent for residential development at Kinfauns (application 11/00897/IPL).

The Council's landscape architect refers to wider policy issues in relation to development within the AGLV and greenbelt. These points have been addressed in detail through the applicant's planning application and *Statement for Grounds for Review (June 2012)* and considered at the local Review Body Hearing of 11th September 2012. In summary it is the applicant's position as supported by the pre-application consultation with Council officers that:

1. *AGLV* – the policy thrust contained within the *Scottish Planning Policy (2010)* advances a policy regime based on facilitating positive landscape change whilst maintaining and enhancing distinctive character. This theme is one of taking a broader approach to landscape and natural heritage than just conserving designated or protective sites and is directed towards the Government's aim of supporting and enhancing a vibrant and high quality rural environment. This policy focus is less restrictive than the *Perth Area Local Plan* and reflects change in national policy that has emerged since the adoption of the PALP of 1995. Furthermore, this new policy thrust is reflected in recent planning decisions such as the grant of planning permission for residential development at Kinfauns by Perth and Kinross Council, as detailed within the *Statement of Grounds for Review (June 2012)*.
2. *Greenbelt* – it should be noted that the application site is not designated greenbelt, but falls within the area currently being considered for greenbelt through the preparation of the new Local Development Plan. Whilst this Plan is a formative stage, it is not currently adopted policy and is the subject of further consideration by the Council prior to its submission to Scottish Ministers and a subsequent examination anticipated in 2013. Whilst a material consideration in the assessment of these planning applications, it is the applicants consideration that the weight that can be afforded to the Plan on this issue is minimal by virtue of the stages that still need to be completed prior to adoption and that the applicant has submitted an objection to the proposed greenbelt extension which would be subject of the Local Plan examination. Notwithstanding this, had the application been determined by the target date of 11th November 2012 as opposed to its delay by five months, the Proposed Plan would not have been published and the greenbelt would not be a policy issue.

In conclusion, the Council's landscape architect has confirmed that the application sites have the capacity to accommodate the proposed development. The details provided in the accompanying *Landscape Appraisal* address points of detail raised by the Council's landscape officer through positive measures including:

- A commitment to advanced landscaping prior to development
- A landscape planting species mix reflective of native species
- Proposed building materials that will ensure visual integration with a landscape
- A landscape evaluation of neighbouring properties and local footpaths which concludes that the landscape can accommodate the proposed development.

It is within this context that we would respectfully request that the Local Review Body approve both applications.

Yours sincerely,

A black rectangular box redacting the signature of C Mark Richardson.

C Mark Richardson BSc (Hons) MRTPI
Director

encs

cc Mr N Lowe



Introduction

This report should be read in conjunction with *Landscape Appraisal* previously submitted as part of the planning application which considered the proposed development within the context of the wider landscape as well as outlining a strategy for reducing the landscape and visual impact of development.

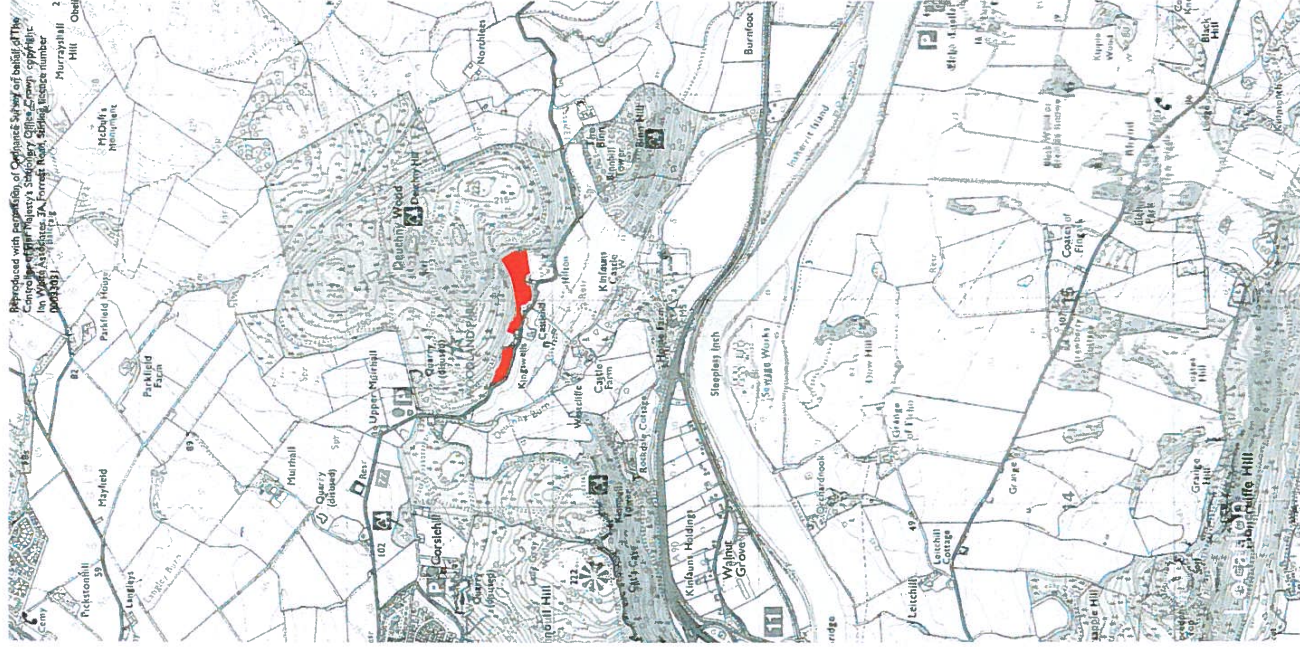
This strategy has been accepted in principle by Douglas Cook (PKC Landscape Architect) as an effective basis for integrating the proposed development in the wider landscape however in memos dated 25.10.12 he has expressed concern over the following issues:

- programme and details of advanced woodland planting
- type, scale and materials of proposed buildings
- impact on local landscape character along the minor road
- possible changes to spatial sequence and driver experience on minor road.
- increased sense of enclosure for local residents.
- landscape capacity and future development
- impact on the settings of existing buildings
- impact on recreational users of core footpaths on Kinnoull and Deuchny Woods

The structure of this report is intended to consider each of the points of concern raised by Douglas Cook.

Additional field work was carried out in consideration of these issues on 1st and 6th November 2012. The weather was variable as can be seen from the site images. The minor road between the Jubilee Car Park and the Deuchny/Binn Pass was photographed in sequence both east and west directions. For safety reasons these images were photographed at pedestrian level. This road is part of a regional/local cycleway and the images also represent a cyclist's view. The views from the core footpath on Kinnoull Hill were recorded as part of the *Initial Landscape Appraisal* and therefore are in a different season. The Deuchny Wood footpath was followed to the middle section of the mountain bike track and thereafter on the core footpath through woodland to meet the northern boundary of the proposed development. From within the site of plots 2-4 the relationship with existing properties was considered and the assessment route ended at the rear of The Neuk at the point of the proposed entrance to plots 2-4. The images were recorded as panoramas (50mm) and single shots (18mm).

Ian White FLI
07.11.2012



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3	Landform
4	Views from the road
5	Views to the site
6	Existing properties
7	Landscape and Visual Impact
8	Summary

Tree Planting



Deuchny Wood is primarily a commercial plantation. Its southern edge adjacent to the site of the proposed development varies from completely conifer at the lower end to birch/Scots Pine at the upper end. (1) (2) The proposed species mix takes longterm management into account and the desire to increase species diversity.

The layout of woodland blocks now proposed has been modified from that shown in the initial *Landscape Appraisal* in that an additional small block has been added at the entrance to plot 1 to limit views into the site and a new block H will strengthen the edge of Deuchny Wood. The location of the building in plot 1 has been moved slightly to the west. At plots 2-4 the edge planting to the north of the new access road at the rear of *The Neuk* has been extended.

The new blocks of woodland planting will be carried out in advance of house construction. Blocks A, B, C, D, E and F will be planted during the first planting season following granting of planning permission. Blocks G and H will be planted in the first planting season following construction of the access road to plot 1 and plots 2-4. All blocks (except G and H) will be prepared using a forestry plough with furrows parallel to the site boundary to control runoff and planted with mixed species (transplants) at 1.2m centres. The species mix will be:

- 30% oak
- 20% Scots Pine
- 20% birch
- 10% larch
- 5 % beech
- 15% edge species (thorn, rowan, gean, field maple, alder).

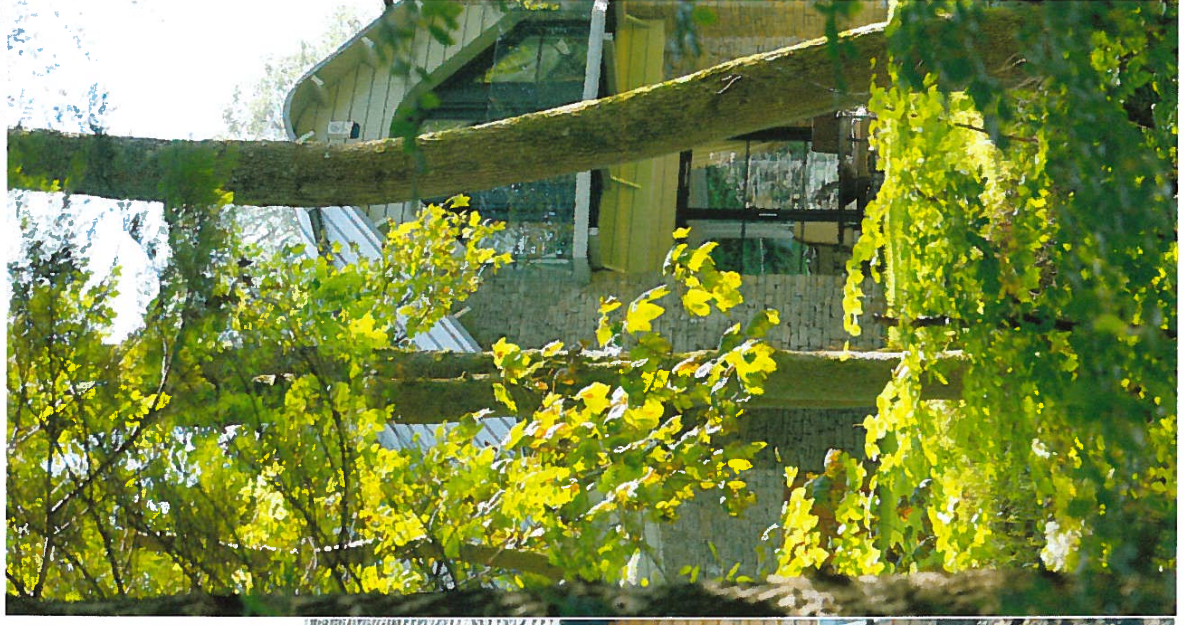
All woodland blocks will be enclosed by a deer fence.

Overall the new blocks of woodland planting will improve the AGLV by increasing species diversity and in the longterm help to mitigate the possible adverse visual impact of the future management of Deuchny Wood i.e felling of the commercial crop.



2 Building materials

Existing buildings are prominent features in the landscape because of their light colours.



The proposed buildings are of a form and scale which corresponds to the existing buildings but the visual impact will be reduced through the use of dark materials for roofs, walls and window frames so that the buildings will recede into their woodland setting.



3 Landform

The relationship between the levels of the edge of Deuchny Wood, the site of the proposed development, existing properties, the minor road and the valley of the River Tay is fundamental to the character of the immediate local landscape and the elements within it.

View from plot 3 eastwards to Beechwood. Other properties, Toyview, Hilton and Windjedge are screened and contained by landform and tree planting (1) View from the southern edge of plot 3 shows how Toyview is located well below the level of the proposed development and has no views towards it. (2) View from plot 3 towards Kinnoull Hill shows the site sloping towards the rear of Toyview. Kingswell is screened by mature tree planting (3) View from the minor road at Toyview clearly shows the level relationship between the site of the proposed development, the minor road and the valley of the River Tay (4)

Plot 1 is located between the minor road and Deuchny Wood. It is at road level at its western end and slopes gently upwards towards Kingswell. Plots 2-4 on the otherhand while on similarly sloping ground are separated from the minor road and the existing properties on it by an abrupt and steep change of level which can be clearly seen at The Nook and Toyview. The site of the proposed development is on an upper platform quite separate from the minor road and the adjacent properties. (4) A





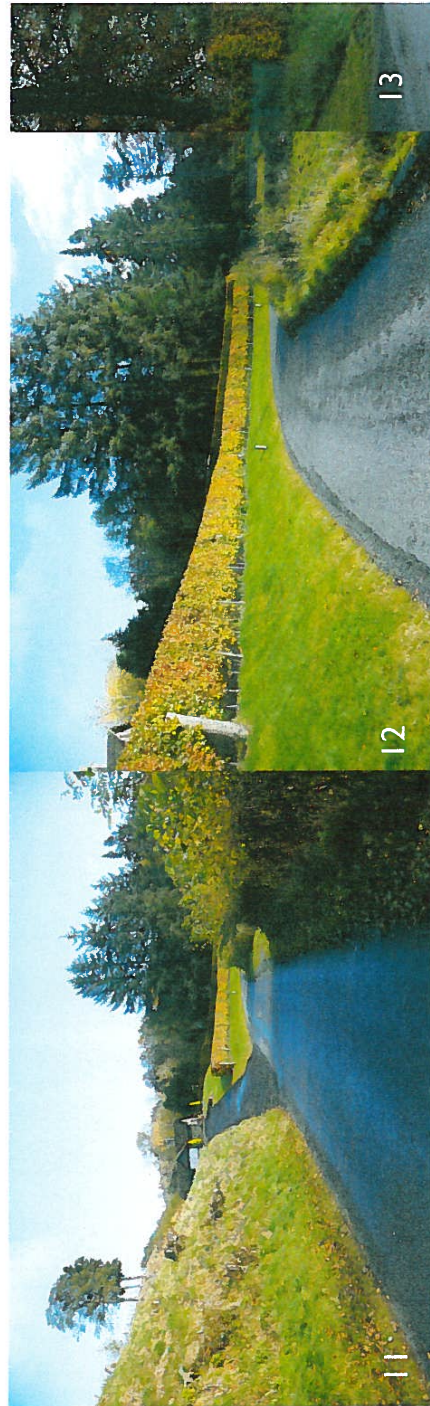
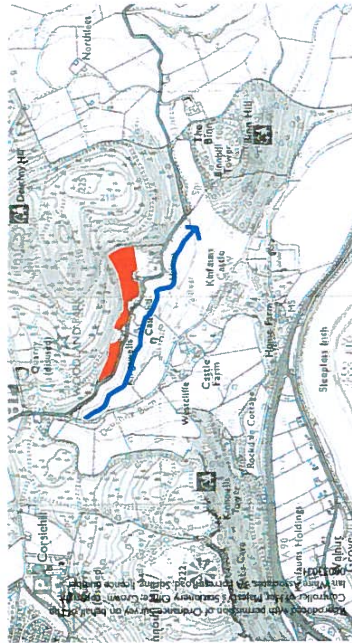
4 Views from the road

Eastbound

Leaving the Jubilee Car Park the road is strongly enclosed by mixed tree planting on the north edge and an agricultural hedgerow to the south. (1) The northside tree planting changes to overgrown deciduous species which form the edge to plot 1. (2) The hedgerow varies in density and offers occasional glimpsed views into plot 1. (3) Kingswell is well screened by landmark and mature tree planting which overhangs the minor road. (4) The Neuk is a landmark building with rising ground behind. (6)(7)(8) There is a sharp bend in the road with steeply rising ground on the north which is heavily planted. (9) An open view of Tayview follows, the steeply sloping ground behind the house having been cleared. (10)(11) The trees on the horizon mark the southern edge of plot 2. (11) A trimmed beech hedge marks the distinct boundary of Tayview and the mature tree planting surrounding Windyedge, Hilton and Beechwood forms a strong feature in the landscape. (12) The road continues round a sharp bend with very limited views to the north due to landmark, hedge and tree planting. (13) The minor road continues to the Deuchny/Binn Pass with strong deciduous woodland on the northside and an agricultural hedgerow to the south. (14)

In summary the minor road is strongly enclosed on its northern edge with a low agricultural hedgerow on the south. The Neuk and Tayview are landmark buildings. With the exception of plot 1 where new woodland planting is proposed to strengthen visual enclosure the existing edges of the road corridor are unchanged. The new planting at plot 1 will match the north road edge at Viewpoint 1 and correspond to the woodland edge at Viewpoint 14. The proposed buildings in plots 2-4 will not be seen from the minor road because of elevation and the fact that they are set well back in the plots well away from the strong landform ridge which defines the view from the road.

The proposed development and associated planting will not change the character of the local landscape or impact on the view from the minor road travelling eastbound (neutral).





V



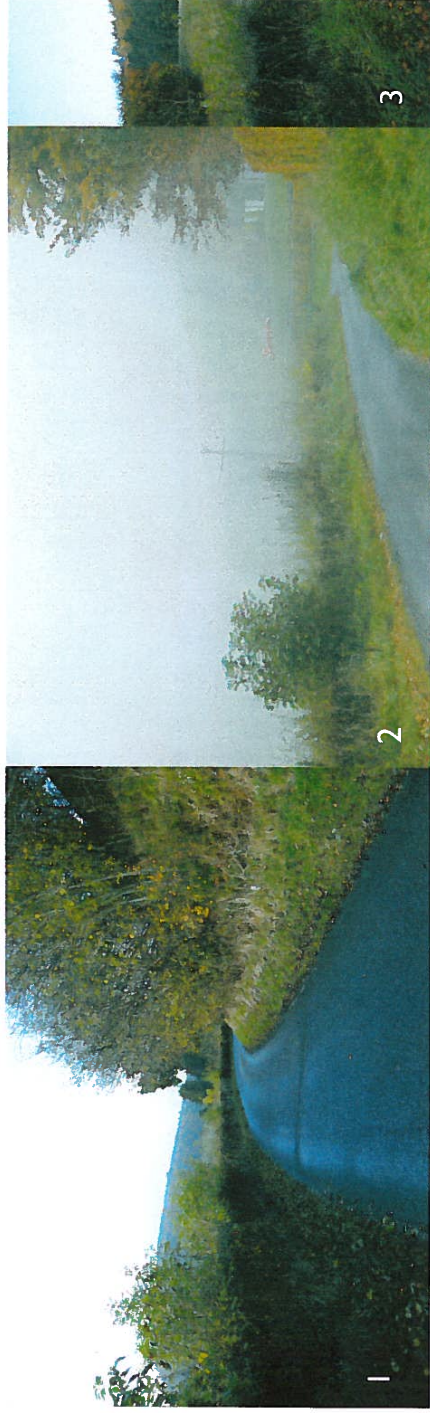
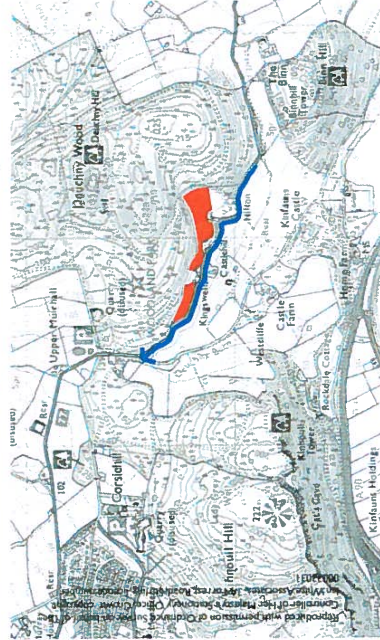
4 Views from the road

Westbound

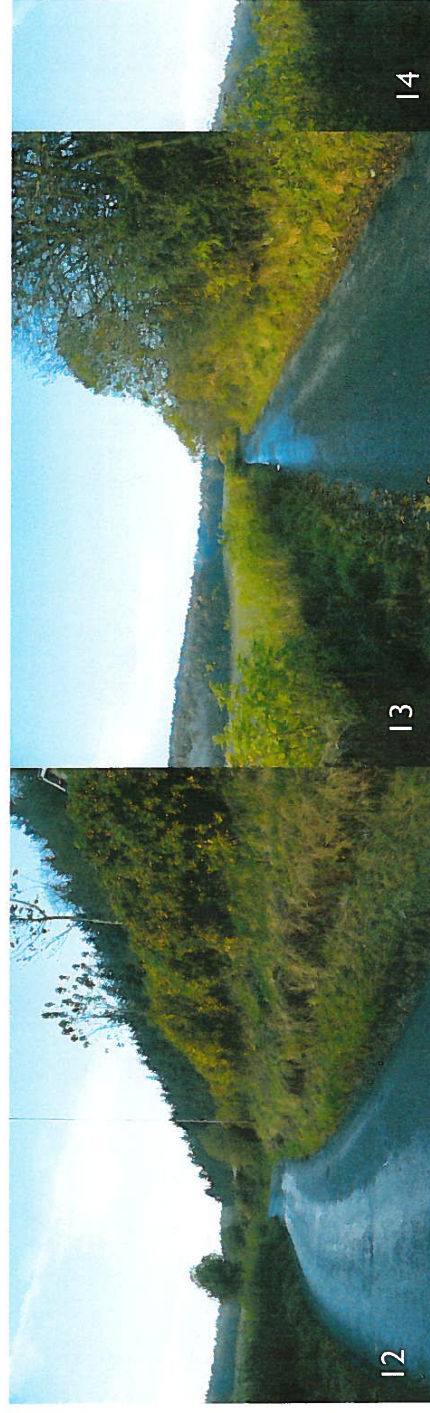
Coming from the Deuchny/Binn Pass the minor road is well defined by strong deciduous woodland on the northside and an agricultural hedgerow to the south. (1) Rounding a sharp bend reveals an open view of Tayview, the steeply sloping ground behind and the strong edge of Deuchny Wood. (2)(3) The proposed new woodland planting between plots 2 and 3 will advance the edge of Deuchny Wood in this view but because the steep ground to the rear of Tayview will remain unplanted this will not be a significant change in the character of the local landscape or in the view from the road or the spatial sequence of the road corridor. The road makes a sharp bend with steep wooded slopes to the north. (4)(5) A view of The Neuk as a landmark building with Deuchny Wood behind as a strong feature of the landscape. (6)(7) This is also true of the tunnel of mature tree planting which overhangs the road between The Neuk and Kingswell. (8)(9) Past Kingswell the northside of the minor road is defined by landform and an overgrown deciduous hedge. Glimpsed views into plot 1 are possible but these will be modified by proposed new planting. The principal views in this section of the road are southwards towards Kinnoull Hill and the valley of the River Tay.

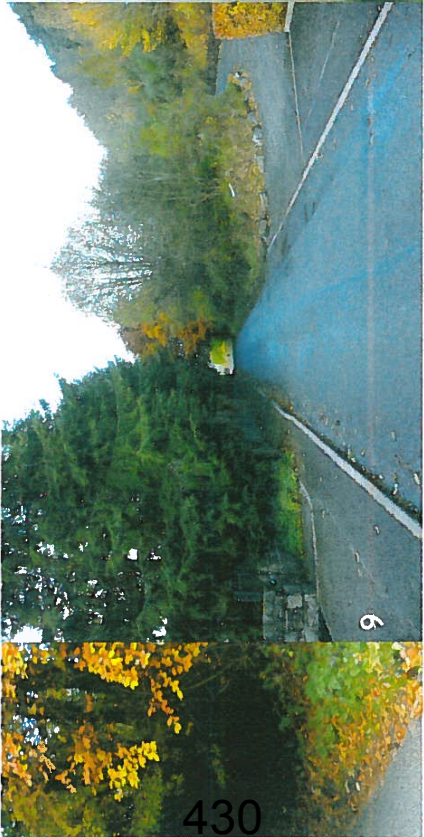
In summary the character of the road view travelling westwards is defined by strong landform and tree planting on the north edge and open views to the south. The Neuk and Tayview are landmark buildings because they are at the road edge. The proposed development will not affect the landscape character of the road corridor because the new planting at plot 1 will be behind an existing hedgerow and will be consistent with the character of the road edge nearer to the Jubilee Car Park and the stretch between Hilton and the Deuchny/Binn Pass.

While the new planting proposed for plots 2-4 will advance the edge of Deuchny Wood it will not affect the character or view from the road corridor because of elevation and the fact that the steep slopes behind Tayview will remain unplanted (neutral).



V



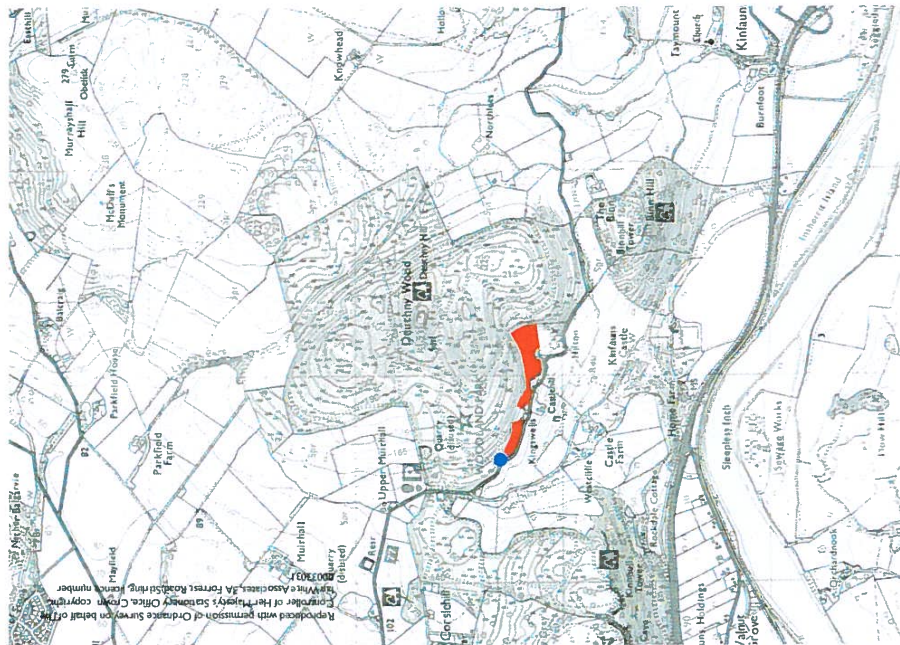


V

5 Views to the site

Plot 1 Eastbound

The proposed development will not affect the character of this view because the new planting will be behind an existing edge and will be consistent with the character of the road edge nearer to the Jubilee Car Park (1) and the woodland between Hilton and the Deuchny/Binn Pass. (2)

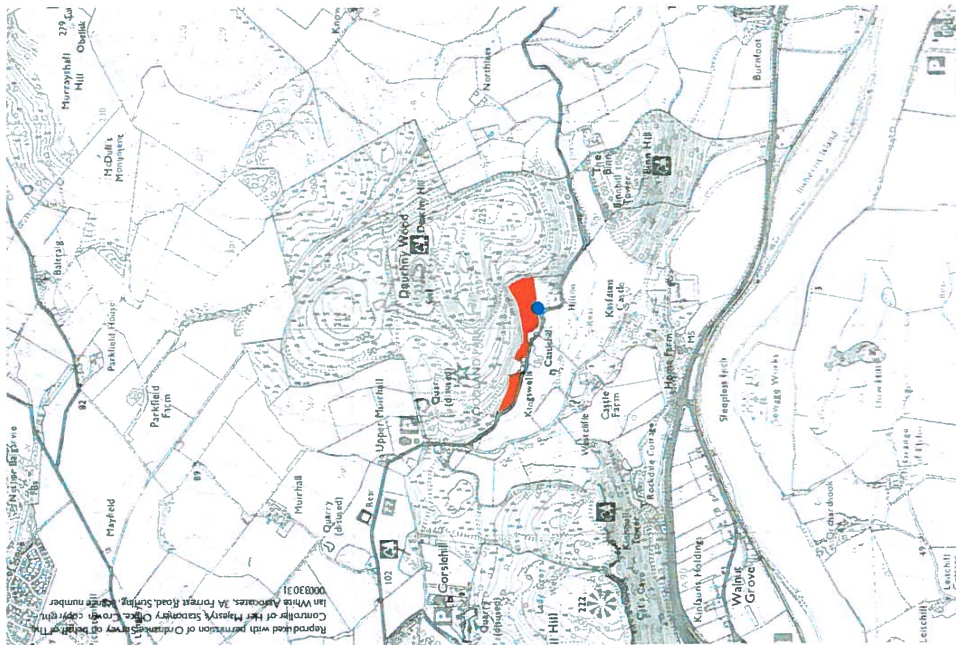


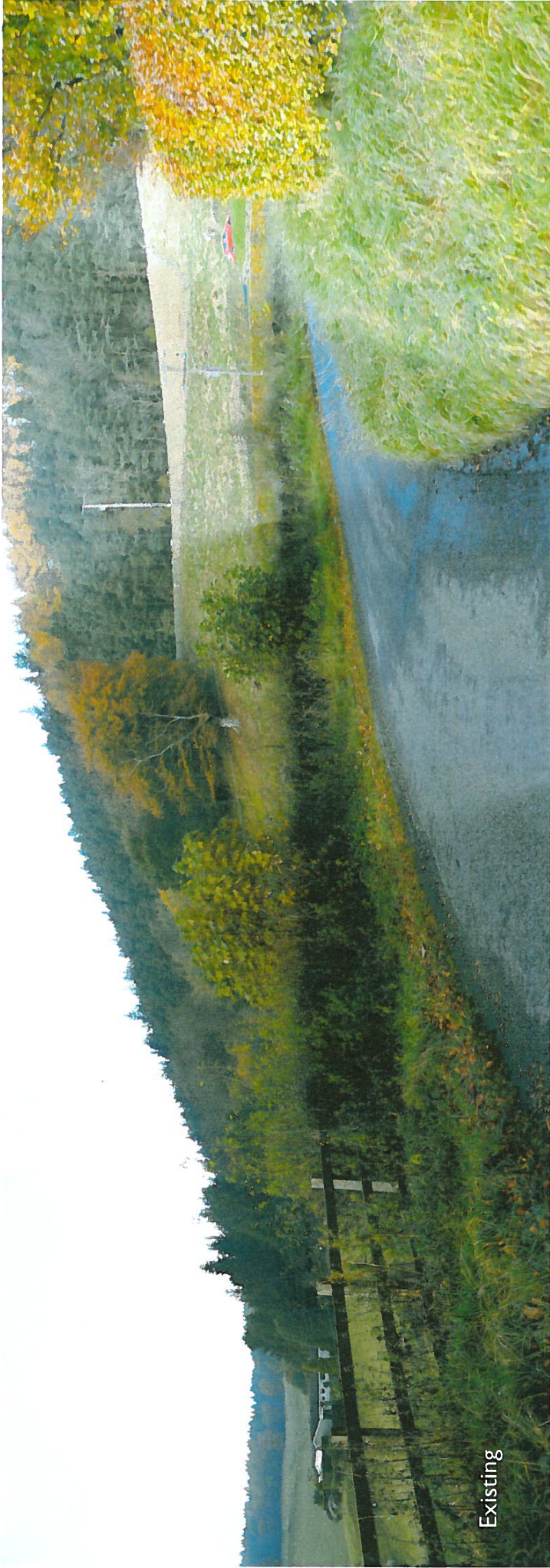


Views to the site^{cont.}

Plots2-4 Westbound

While the new woodland planting proposed for plots 2-4 will advance the edge of Deuchny Wood it will not affect the view from the road because of elevation and the fact that the steep slopes to the rear of Tayview will remain unplanted.





Existing



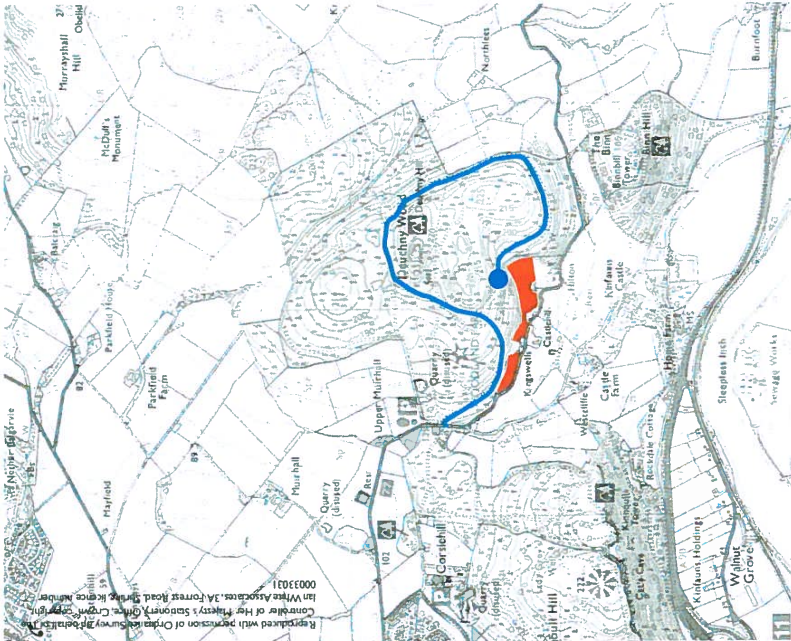
Proposed

5 Views to the site cont.

Deuchny Wood

Filtered views into plot 1 are possible from the Mountain Bike Trail. (1) This is not a significant impact (neutral) since recreational users are likely to be concentrating on the more immediate terrain as well as the impact of proposed new planting at either end of plot 1 and the new planting along the edge of the existing wood will restrict views of the site.

The core footpath through Deuchny Wood passes the northern boundary of the site at its highest point. Foreground vegetation limits views into the site and plot 4. (2) This view is taken off path (3). New woodland planting will exclude views into the site. The landscape and visual impact is neutral.





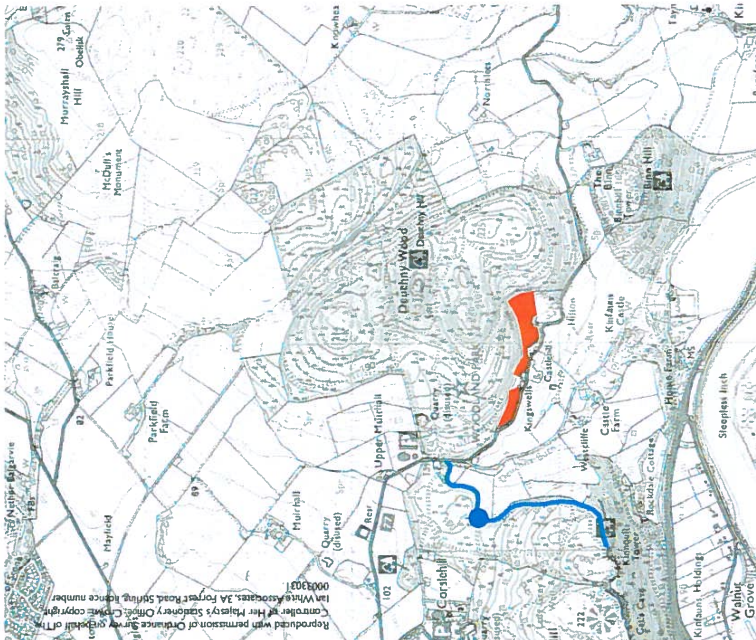
5 Views to the site cont.

Kinnoull Hill

Recreational users of the core footpath between the Jubilee Car Park and the Tower will have a view into part of plot 1 (1) and part of plot 2 (2)

The view into plot 1 will be reduced by new woodland planting adjacent to Kingswell and on the edge of Deuchny Wood. The proposed site of the building has also been moved further west to reduce the visual impact from this viewpoint. The view into plot 2 will be screened by new planting.

These measures will ensure that the new buildings are fully integrated into the landscape with no change to its character or loss of quality from this viewpoint (neutral).





cont.

Part of plot 3 and plot 4 are visible from the Kinnoull Hill Tower where the existing line of field maples can be clearly seen. (1) This view will be greatly affected by the proposed woodland planting between plots 2 and 3 as well as that between plots 3 and 4.

[illegible]



6 Existing properties

Kingswell is located between plots 1 and plots 2-4. (1) To the west it will be screened by a block of new woodland planting. To the east it is already screened by existing mature planting. The visual and landscape impact on this property is neutral.

Castlehill is located down the slope on the south side of the minor road. (2) It is screened from the proposed development by landform and existing mature tree planting. The landscape and visual impact is neutral.

The Neuk is screened from the proposed development by landform and mature tree planting which will be further strengthened by new woodland planting on the west side of plot 2. (3) It is likely to be affected by the construction of the access road to plots 2-4 although there is an existing well-established hedge on its northern boundary. This impact is short term since all civil engineering works will be carried out in a single phase to minimise disruption. The landscape impact is neutral and visual impact is low.

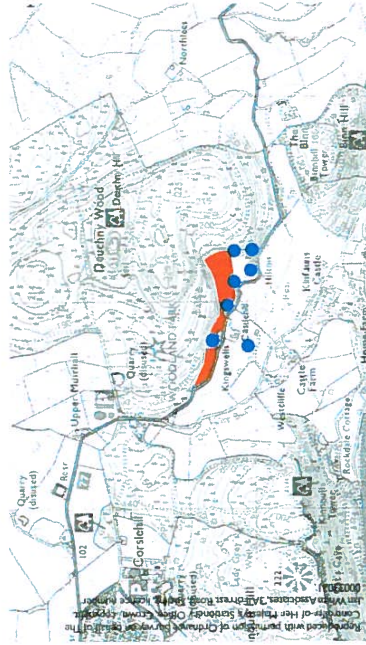
Toyview is situated well below plots 2 and 3 and has no aspect to them due to the existing steep bank to the rear of this property. (4) New woodland planting between plots 2 and 3 will not affect this property because it is separated by steeply sloping ground. The landscape and visual impact on this property is neutral.

Windyedge is enclosed by mature tree planting and is well below the level of the proposed development. (5) The impact is neutral.

Hilton is enclosed by mature tree planting and is well below the level of the proposed development. (6) The impact is neutral.

Beechwood is enclosed by mature tree planting but may get glimpsed views of plots 3 and 4 at certain times of the year (7) The impact is neutral.

The addition of significant woodland blocks will, in the long term, improve the general setting of this group of buildings and therefore effect a slight improvement to the AGIV







Topographic map of the area around Harewood, showing the River Wharfe and surrounding fields. A blue line indicates a path or boundary, and a red area highlights a specific site. The map includes labels for various locations such as Harewood, Harewood Hill, and Harewood Farm.

Landscape and visual impacts are considered separately but are inter-related. **Landscape** impacts are changes to the character and quality of the landscape. **Visual** impacts relate to changes in the characteristics of views and the effect these may have on receptors eg users, residents. The **significance** of an impact is determined by the sensitivity of the receptor and the magnitude of the change it will experience.

Sensitivity (tolerance to change) is assessed as high, moderate and low. **Magnitude** (the degree of change) is assessed as substantial, moderate, slight or none. By combining the assessments of tolerance and sensitivity the **significance** of the impact can be assessed and expressed as *beneficial*, *adverse* or *neutral* depending on the nature of the development and the mitigation and enhancement measures proposed.

The threshold criteria are summarised in tables 1-3.

Table 1 Criteria for Assessment of Sensitivity

Sensitivity	Landscape	Visual Receptor
High	A landscape character type of designated value or whose character is distinct and of high value.	Activity of the receptor is directly related to the visual quality, or exposure of the receptor is not transitory. A view of focal value.
Moderate	A landscape whose character allows some effects to be accommodated without changing the character, however the magnitude of effect is limited.	The view is not critical to the receptor. The receptor may be transitory, or their activity less exposed to the view.
Low	A landscape within which changes at many scales can occur without obvious impact on character, due either to poor quality or robustness.	The visual receptor will not notice or be affected by change to the view.

Table 2 Criteria for Assessment of Magnitude

Magnitude	Landscape Effects	Visual Impact
Substantial	Major alteration to key elements of landscape character, or the introduction of elements considered to be uncharacteristic within the receiving landscape.	The proposals form a significant and immediately apparent part of the scene that changes overall visual character.
Moderate	Partial loss/alteration to key elements of landscape character, or introduction of elements that may be prominent but not necessarily substantially uncharacteristic of the receiving landscape.	The proposals form a visible and recognisable new element within the scene, readily noticeable by the observer.
Slight	Minor loss / alteration to the landscape character, or introduction of elements not uncharacteristic of the receiving landscape.	The proposals are of such limited scale or visibility that awareness of them does not have a marked impact on the overall visual quality.
None	Change to the landscape character that is so minimal or introduction of elements characteristic of the existing condition, that the effect is negligible.	The proposals are either not visible, such a small part of them is discernible, or the distance so great, that the impact is nil or scarcely appreciated.

Table 3 Criteria for Assessment of Significance

Significant	Landscape Effects	Visual Impacts
High	The proposals would result if effects that cannot be mitigated, are at considerable variance to the landscape character, degrade the integrity of the landscape, or will cause substantial damage to a high quality landscape.	Proposals would cause a substantial deterioration in the existing view.
Moderate	The proposals would be out of scale or at odds with the local pattern or landform and will leave an adverse impact on a landscape of recognised quality.	Proposals would cause a noticeable deterioration in the existing view.
Low	The proposals would not fit fully with existing landscape and would affect a landscape of recognised character.	Would cause a barely perceptible deterioration in the existing view.
Neutral	Scheme would complement existing scale, landform, pattern, and maintain existing landscape quality.	No discernible change in existing view.

8 Summary

1 Woodland planting details

Woodland planting will be carried out in advance of building construction. The species mix reflects the local landscape character and the longterm objective of increasing bio-diversity.

2 Building form and materials

The use of dark materials for roofs, walls and windows will enable new buildings to recede into their woodland setting and prevent them becoming prominent features in the landscape.

3 Landform

Plots 2-4 are located on rising ground well above the level of the minor road and existing properties.

4 Views from the road

Views from the road are generally open to the south and restricted to the north because of landform and existing mature planting. The edge treatment to the road will not change and therefore the character and spatial sequence of the road corridor will not change.

5 Views to the site

Views to the site from the road, core footpaths and existing properties will not vary from existing because substantial blocks of new woodland planting will absorb the proposed buildings into the landscape.

6 Existing properties

These are mainly separated from the proposed development by landform and mature tree planting. The Neuk will be affected by the construction of the new access road to plots 2-4 but this will be a short term impact.

7 Landscape Capacity

The density and form of proposed development reflects the optimum capacity of the landscape between the minor road and the southern edge of Deuchny Wood.

8 Issues

The issues identified by Douglas Cook have been addressed and my assessment is that the proposed development will have no significant impact on the character of the immediate local landscape or the spatial sequence of views on the minor road. The landscape and visual impact of the proposed development will be almost completely absorbed by new woodland planting within a reasonable timescale. The landscape and visual impact on recreational users is not significant. The proposed development represents the optimum density of development between the minor road and the edge of Deuchny Wood. The proposed development will not have an adverse landscape or visual impact on the existing properties. In the longterm the proposed woodland will enhance the quality of the AGLV by providing succession and increasing species diversity.

Ian White FLI
07.11.2012

	Sensitivity Landscape	Sensitivity Visual	Magnitude Landscape	Magnitude Visual	Significance Landscape	Significance Visual	Comments
Kinnoull Tower	High	High	Slight	Slight	Neutral	Neutral	
Kinnoull Hill	High	High	Slight	Slight	Neutral	Neutral	
Deuchny Hill	High	High	Slight	Slight	Neutral	Low	
Deuchny Bottom	High	High	Slight	Slight	Neutral	Neutral	
Road (eastbound)	High	High	None	None	Neutral	Neutral	
Road (westbound)	High	High	Slight	Slight	Neutral	Neutral	
Kingswell	High	Moderate	None	None	Neutral	Neutral	
Castleview	High	Low	None	None	Neutral	Neutral	
The Neuk	High	High	Moderate	Moderate	Neutral	Low	access road
Tayview	High	High	Slight	Slight	Neutral	Neutral	
Windyedge	High	Low	None	None	Neutral	Neutral	
Hilton	High	Low	None	None	Neutral	Neutral	
Beechwood	High	Moderate	Slight	Slight	Neutral	Neutral	



Gillian Taylor
 Clerk to the Local Review Body
 Perth & Kinross Council
 2 High Street
 PERTH
 PH1 5PH



Your Ref: TCP/11/16 (197) & (201)

8th November 2012

Dear Ms Taylor

Town & Country Planning (Scotland) Act 1997

The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008

Application Ref: 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of Kingswells, Muirhall Road, Kinfauns, Perth - Mr N Lowe and

Application Ref: 11/01399/FLL – Erection of a dwellinghouse at Kingswells, Muirhall Road, Kinfauns, Perth. PH2 7LL – Mr N Lowe

Thank you for the opportunity to read the written submission prepared by the Development Quality Manager and the Council's Landscape Architect. We, as objectors, agree with its assessment and conclusions in every respect except in so far as the suggestion is made that the landscaping scheme could mitigate the adverse effects of the development if the planting took place "*several years in advance*" of the building operations: in our view it would take the best part of 10 to 15 years for new landscaping to acquire the maturity required to merge with existing planting. In any event, we ask the Review Board to note that the whole rationale for the landscaping proposals is to create something which the sites presently lack. Policy 1 of the adopted local plan clearly states that development sites must have a good existing landscape framework rather than one which has to be contrived by new planting. Also, a legal mechanism would have to be found to ensure that the trees, once planted, would remain in perpetuity. The difficulty of doing so was recently referred to by Councillor Murray Lyle, as Convener of the Review Board, in the determination of an appeal at Farleyer Field House Weem where he said that it would be "impossible" to condition tree protection. It is a problem well understood in planning circles.

More importantly, we ask the Board to focus on the paramount deficiency of this appeal which led to its refusal, namely, it does not comply with any of the relevant policies of the adopted Local Plan, the emerging Local Development Plan or the Green Belt policies of the Tayplan. The sites are not part of a building group and, even if they were, that would be an insufficient basis for approval in circumstances such as these where the location is squarely within a Green Belt. In that area only operational need and the conversion of traditional buildings is a permissible justification for new housing.

As the appellants have sought in previous submissions to draw attention to alleged precedents for breaches of the AGLV/Green Belt policies they may wish to do so again following the decision of the Development Control Committee last week to approve residential use at the Monastery (Ref No. 12/00008/FLM). If that should be

the case, we ask the Review Board to note that the justification for setting aside policy in the Monastery case was that it met the criteria set out in national policy guidance for the approval of "enabling development" namely to generate funds to ensure the continuation of the institution for social and economic reasons. No such justification exists in this case and an approval, in clear breach of policy so soon after the Monastery decision, would remove all credibility for the Green Belt/Area of Great Landscape Value provisions of the existing and emerging local plans.

Another consideration which separates the Monastery decision from the appeal proposal is that the former is on the absolute periphery – i.e. outer edge - of the Green Belt whereas Kingswells is at the heart of it. This is important because the Council has previously been split on whether the Monastery site should have been excluded from the Green Belt designation.

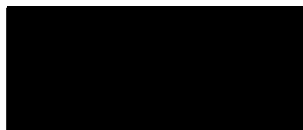
We consider, in conclusion, that the supplementary report requested by the Review Board reinforces the arguments previously used by the Council's professional advisers to refuse the application and we therefore request that the appeal be dismissed.

In relation to the procedure for determining this appeal, we wish to repeat the request made in previous submissions that we are given the opportunity for a representative to speak if a Hearing is allowed. If a site visit is to take place, we also request that we be allowed to attend in order to point out relevant landscape features and a private spring water supply which we think may be endangered by the proposals.

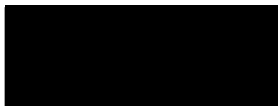
Yours sincerely

Name: MR & MRS G.P. ROWLEY Signature: 


Address: THE NUK, MUIRHALL ROAD,
KINFAUNS, PERTH. PH2 7LL

Name: PETER CRUICKSHANKS Signature: 

Address: TAYVIEW MUIRHALL ROAD
KINFAUNS PERTH PH2 7LL

Name: MRS D. WOOD. Signature: 

Address: HILTON, MUIRHALL RD
PERTH PH2 7LL.

Name: STEWART A. HAY. Signature: 

Address: CASTLEHILL, KINFAUNS
PERTH PH2 7LL.

Name: MARGARET PEARSON

Signature:

Address: 1 BINN COTTAGES
KINFAUNS

Name: ANGELA CORDER

Signature:

Address: WINDYEDGE
MUIRHAAL RD
PERTH
PH2 7LL

Name: DORCE WAUGH

Signature:

Address: The Steading
Upper Kinfauns
Perth

Name: Graham Forbes

Signature:

Address: Bains Boery
Kinfauns
Perth.

Name: PHILIPPA KAY

Signature:

Address: The Binn farmhouse
Kinfauns
Perth PH2 7LJ

Name: B BOEHM

Signature:

Address: Beachway
Kinfauns
Perth PH2 7LL

Name: DAVID BETT

Signature:

Address: SQUIRRELKNOWE COTT.
BALTHAYOCK
KINFAUNS
PERTH
PH2 7LG

20 NOV 2012

Ms Gillian Taylor
Clerk to the Local Review Body
Perth & Kinross Council
2 High Street
PERTH
PH1 5PH

CHIEF EXECUTIVES
DEMOCRATIC SERVICES

21 NOV 2012

RECEIVED

Mr & Mrs G P Rowley
The Neuk
Muirhall Road
Kinfauns
PERTH
PH2 7LL

Your Ref: TCP/11/16 (197) & (201)

19th November 2012

Dear Ms Taylor

Town & Country Planning (Scotland) Act 1997

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure)
(Scotland) Regulations 2008**

**Application Ref: 11/01373/FLL – Erection of 3 dwellinghouses on land 300 metres east of
Kingswells, Muirhall Road, Kinfauns, Perth PH2 7LL – Mr N Lowe
and**

**Application Ref: 11/01399/FLL – Erection of a dwellinghouse at Kingswells, Muirhall
Road, Kinfauns, Perth PH2 7LL – Mr N Lowe**

Since our response on the 8th November 2012, we have noted on-line that the appellant has submitted a supplementary landscape appraisal which was not requested directly by the Local Review Board. We would like to respond by saying that the whole exercise is beside the point since the landscape characteristics of the site - with or without augmentation - are not a material consideration that can redeem a proposal which fails all the policy tests for development in an AGLV/Green Belt.

Yours sincerely



Mr & Mrs G P Rowley

On behalf of Interested Parties who signed the response on the 8th November 2012.

Names and Addresses already submitted

