

TCP/11/16(338)
Planning Application 14/01308/FLL – Erection of 7
dwellinghouses, formation of access road and associated
infrastructure, land 100 metres south of Merryorchard,
Rumbling Bridge

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TCP/11/16(338)

Planning Application 14/01308/FLL – Erection of 7 dwellinghouses, formation of access road and associated infrastructure, land 100 metres south of Merryorchard, Rumbling Bridge

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

Thank you for completing this application form:

ONLINE REFERENCE 000108327-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Cockburn's Consultants
Ref. Number:	
First Name: *	Brent
Last Name: *	Quinn
Telephone Number: *	07708971120
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	cockburnsconsultants@gmail.com

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

Building Name:	
Building Number:	29
Address 1 (Street): *	Ryehill Terrace
Address 2:	
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH6 8EN

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both:*	
Other Title:	<input type="text"/>		Building Name:
First Name: *	<input type="text" value="Johnson"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Family"/>	Address 1 (Street): *	<input type="text" value="Per Agent"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Per Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Per Agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Per Agent"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		
Please identify/describe the location of the site or sites.			
<input type="text" value="Land 100m south of Merryorchard"/>			
Northing	<input type="text" value="699790"/>	Easting	<input type="text" value="301581"/>

Description of the Proposal

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

(Max 500 characters)

Erection of 7no. dwellinghouses, formation of access road and associated infrastructure

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached Grounds of Appeal 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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

All Original Plans, Forms, etc.
Decision Notice
Original Planning Statement
Housing Land Discussion Paper
Landscape and Visual Impact Assessment
Follow up Landscape Response
Design & Access Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/01308/FLL

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

22/07/14

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

08/10/14

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

It is considered that the unique characteristics of the site require to be viewed by the LRB first hand in advance of a decision being made.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Brent Quinn

Declaration Date: 07/01/2015

Submission Date: 07/01/2015

Local Review Body (LRB) Grounds of Appeal Statement

For: The Johnson Family

Against: Refusal of Planning Permission by Perth & Kinross Council for Erection of 7no. dwellinghouses, formation of access road and associated infrastructure at Land 100 metres South Of Merryorchard Rumbling Bridge (Ref: 14/01308/FLL)



Prepared by:
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Cockburn's Consultants
January 2015
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1. Introduction

This appeal concerns a site on the edge of the settlement of Rumbling Bridge, some 100m south of the property known as Merryorchard (hereafter 'the appeal property').

On the 22nd of July 2014, Cockburn's Consultants lodged a Planning Application (Ref.) with Perth & Kinross Council for the 'Erection of 7no. dwellinghouses, formation of access road and associated infrastructure' at the appeal property. The application was validated on the 7th of August 2014 and was subsequently refused by delegated powers on the 9th of October 2014.

The following four reasons were cited:

1. *The site is outwith the defined settlement boundary for Rumbling Bridge. Policy PM4 (Settlement Boundaries) of the Perth and Kinross Local Development Plan, adopted February 2014, states that for settlements which are defined by a settlement boundary, development will not be permitted except within the defined settlement boundary. The proposal is therefore contrary to policy PM4 of the adopted Local Development Plan.*
2. *The proposed development is not well integrated with Rumbling Bridge village particularly in terms of access to the A823 for people on foot, bicycle and for the users of public transport. The proposal is therefore contrary to policy PM1B(e) of the Local Development Plan 2014 which requires new development to create safe, accessible, inclusive places for people, which are easily navigable particularly on foot, bicycle and public transport.*
3. *The development of this site would detract from the rural character of the village and is therefore contrary to policy PM1 (b) of the adopted Local Development Plan 2014 which requires development to respect the wider landscape character of the area.*
4. *The development of the site would be contrary to policy RD4 (Affordable Housing). This requires the provision of affordable housing to be integrated with and indistinguishable from market housing. The applicant proposes to contribute to off-site provision of affordable housing elsewhere and no justification has been submitted as to why the provision of on-site affordable housing is not practical.*

This document should be read in conjunction with the original planning submission, all plans, forms, etc. In particular, the document should be read in conjunction with the following associated key reports:

- The Housing Land Discussion Paper (Cockburn's Consultants, July 2014)
- The Landscape and Visual Impact Assessment (VMA, July 2014)
 - The follow up Landscape Response (VMA, September 2014)
- Design & Access Statement (Slorach Wood, July 2014)

Following this introduction, this report comprises the following sections:

- Section 2 - provides a brief review of the site and its surroundings having particular regard to the suitability of the proposals;
- Section 3 - details the development proposals;
- Section 4 - provides the planning policy landscape
- Section 5 - outlines a proposal to include new parking for adjacent Gorge users
- Section 6 - outlines the proposal's compliance with the HITG SPG
- Section 7 –provides a response to the Council's Reasons for Refusal,
- Section 8 - assesses recent relevant appeal decisions in Scotland, and finally;
- Section 9 - draws key conclusions to this statement.

Due to the small size of the site and the modest scale of housing proposed, the application was classed as a "Local Development" in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As the application was determined under 'delegated powers' by Perth & Kinross Council and therefore it is a matter for the Local Review Body (LRB), as opposed to the Directorate for Planning and Environmental Appeals.

It is respectfully requested that this LRB planning appeal is upheld and that planning permission is granted accordingly.

2. Site and Surroundings

The subjects are currently wholly owned by appellants, the Johnson family. It is considered that, on account of the visual setting of the site and its characteristics, a site visit would be advantageous for the LRB in advance of determining the case.

The proposed site is located on the north-eastern fringes of the small village, Rumbling Bridge, adjacent to, but outwith, the settlement boundary (as recently re-defined in the Perth and Kinross Local Development Plan, adopted 2014). It is identified in Figure 1, below.

Rumbling Bridge is located approximately 10km to the west-south-west of Kinross nestling under the Ochil Hills which provide a dramatic backdrop to the north and in very close proximity to the south-east of the Clackmannanshire administrative boundary. The village is strategically well connected with built form straddling the A823 corridor (which defines the western boundary to the site) and lying to the south of the junction with the A977, with links to Crook of Devon to the east and Powmill to the south. The steep incised wooded valley of the River Devon which forms a gorge as it meanders in a narrow channel dissects the village into two distinct northern and southern areas. The proposed site is located within the northern part of the village where much development has occurred over the last 20 years.

The proposed site comprises the western field of a broadly triangular area of pasture which is currently used for horse grazing with built form surrounding the field on three sides. The well-maintained grounds of a nursing home provide the immediate context to the south with the River Devon gorge and its well wooded corridor just beyond the nursing home and extending northwards to define the south-eastern boundary to the site and the adjacent grazing field. The western and northern boundaries are more enclosed in nature with a high, well maintained beech hedge and the A823 defining the site to the west and a post and rail metal fence and a rural unclassified road defining the site and adjacent field to the north. A small, unmanaged woodland and a low stone wall form key landscape features adjacent to the north-western corner of the landholding and separate the grazing field from the junction of the minor road and the A823.

Large dwellings located within well wooded grounds are located on the far side of the rural road opposite the site and also extend along both sides of the A823 further to the north. These dwellings are significant in terms of; scale, the setting of the appeal site and the definition of the settlement boundary. A picture illustrating this is shown below in Photographs 1 and 2:



Photograph 1: View from Site Looking East to New Dwellings



Photograph 2: Additional View from Site Looking East to New Dwellings

These relatively new dwellings and the parkland grounds of Muckhart Golf Course define the northern edge to the settlement of Rumbling Bridge

Beyond this, a mix of improved pastoral and some arable fields occasionally interrupted by small woodland belts and scattered built form stretch towards the foot of the Ochil Hills. Similarly, further to the east and beyond the River Devon corridor, the landscape comprises an agricultural setting with the small hamlet of Lendrick Muir nestled within a wooded area and the village of Crook of Devon beyond.

To the south of the River Devon gorge lays the southern part of Rumbling Bridge and the historic core of the village. A caravan park is located on the south-eastern fringes with the elevated corridor of the A977 defining the southern edge of the village.



Figure 1: Site Plan (not to scale)

3. Development proposals

Under the terms of the original planning application the development has been fully described as:

‘Erection of 7no. dwellinghouses, formation of access road and associated infrastructure’

Layout and Design

A block plan and layout for the site containing the proposed development is indicated in Figure 2, below, whilst an isometric drawing illustrates a three dimensional visualisation of the proposed development is shown in Figure 3, also below.

To reinforce the historic townscape and character of the traditional core of the village and in addition to the distinctly formal layout of the new built forms based around a courtyard concept, a ‘gate lodge’ building will be introduced near to the new vehicular access into the site which will be taken from the minor road along the northern boundary. The gate lodge will be set within a large garden plot against the backdrop of the existing woodland and will reflect the existing settlement pattern within the immediate context to the north. The new gate lodge will be stepped back from the access road which will continue southwards into the centre of the site to provide access to the courtyard development. It is proposed to enhance the access with gateway features including stone walls, gate piers, beech hedging and semi-mature specimen trees and will extend into the site linking the different building groups together.

An important pre-requisite of the detailed site planning exercise is the need for the development to reflect the unique character of the setting. This has been achieved by acknowledging the site’s inherent constraints and opportunities and building upon the important features to enable a new development to be realised that will effectively be moulded into the landscape and be seen to ‘fit’ into the existing settlement pattern. As far as practicable, a low key approach to the access road is proposed with a remote footpath introduced to link to the wider core path network and designed to minimise the overall landscape and visual impacts normally associated with suburban road forms and infrastructure. In a similar vein, whilst the overall design geometry of the courtyard will meet Roads Service standards, it is envisaged that through a change in surface material, articulation of the courtyard and clever use of hard and soft landscape components, a ‘home zone’ environment can be created which will accommodate circulation patterns as well as space for outdoor informal activities. The non-suburban format will also reflect the site’s location on the urban/rural fringe.

Development principles also seek to deliver a balance between built forms and open space as well as informal recreation and habitat creation. In this context, new woodland, structure and specimen tree planting will be introduced across the site to enhance the strong sense of structure already experienced. Small woodland belts will be introduced to the more open parts of the northern boundary and partly along the eastern boundary and will vary in width to allow intervisibility into and out of the new development whilst be designed to frame the

new built forms. These woodland features combined with the proposed planting within the new park will mature to provide a long term defensible settlement boundary to Rumbling Bridge.

Formal tree planting is proposed to the new access junction and along the main 'avenue' into the development with structure planting, specimen tree planting and a level of ornamental planting to add year round interest and colour across the development including the new park area. Planting will not be designed to 'screen' the site but rather to ensure that when viewed from locations outwith the site boundary, the new development will be a positive feature and will help to add to the unique character.



Figure 2: Block Plan



Figure 3: Isometric Drawing

Landscaping

Low level shrubs will be provided in various other locations around the building to provide points of interest and soften the building edge. All proposed footpaths will be concrete paving slabs, changing style/direction of layout/colour to differentiate between the proposed Class 1 Store, the car park and the street.

Access and Parking

A full Design and Access Statement supplemented the planning application and outlines matters related to highways and parking standards.

The SPP (Transport) advises that decisions on new developments should take account of the existing transport network and environmental and operational constraints. Development proposals must be accessible to public or be made accessible to the existing or planned public transport network and is located where road network capacity is or can be made available. This has been wholly considered and applied in the execution of the design in the original planning application.

General Development Principles

The following outlines the general development principles to be applied to the development.

Residential Amenity

The proposals ensure that there will be no unacceptable adverse impact on the amenity of residents of existing dwellings. Daylighting, amenity and sunlight requirements are all acceptable in this proposal.

Archaeology

The archaeological potential of the area is low and matters can be addressed through a suitably worded planning condition require a Written Scheme of Investigation to be approved and implemented by the Planning Authority prior to development taking place.

Education

The modest scale of the development suggests that there should be no major issues arising from the development in respect of educational provision. However, appropriate developer contributions will be negotiated.

Infrastructure

There are no infrastructure constraints to development.

Ecology

The site is not subject to any nature conservation designation. The site is thought to be generally species poor and simple in terms of structure, with no known evidence of protected species. The land can be developed such that there is an overall enhancement in biodiversity with and around the site. Development will not have an adverse impact on any protected species.

Flood Risk/Drainage

The proposed development is not in an area where there is a risk of flooding. Further, it would not increase the risk of flooding elsewhere and will have a neutral impact on the receiving water environment in terms of water quality and flood risk.

Sustainability

The proposed development will comply with Section 6 of the 2010 Building Standards, with a 30% carbon saving achieved with fabric, heating and ventilation improvements. An energy statement would be provided in due course.

A More Harmonious Settlement

In terms of siting and design, the finished dwellinghouses incorporate materials that echo existing buildings and that found within the Perth & Kinross vernacular context. The proposal generally represents a visual harmony and 'rounding off' of the overall Rumbling Bridge settlement, thus adding harmony to the overall form and composition of the area, both locally and in a wider context.

The overall result from the proposed development would be that it would make a positive overall contribution of the character of the settlement and the wider countryside setting within which it sits.

Amenity

The adjacent land to the east could be used for some type of recreational purpose to accentuate the amenity of the adjacent gorge. This land could be developed as a car park, a play area, a woodland walk way or some other such rural use that would add to the amenity and attractiveness of the gorge as a visitor destination. However, the applicants in this case have no control over that land any agreement in this respect would be the subject of a wholly separate arrangement.

Due to the characteristics of the appeal site it has been proven that the proposed 7 dwelling houses make a positive contribution to the architectural character of the group of existing houses in the existing settlement.

Thus, in summary, the proposed 7 new build houses on the site will not result in any harmful overlooking and loss of privacy of the neighbouring properties and such that the occupants of the house would be able to benefit from sufficient privacy and amenity.

Transport

Access to the site is to be taken from the existing A823 and possibly the un-named public road to the north. The necessary sightlines and visibility splays can be achieved and a safe means of access to the site is achievable.

4. Planning Policy Context

Determination

The starting point for the consideration of this appeal is Section 25 of the Town & Country Planning (Scotland) Act 1997. This requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.

The interpretation of this provision was clarified in a House of Lords' decision in 1998. The House of Lords' judgement set out a specific step by step approach to determining an application:

- ...identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

The weight to be attached to any relevant material consideration is for the judgement of the decision-maker. Having regard to this, it is considered that the Council did not fully consider the aims and objectives of the Local Plan or the other Non-Statutory documents and arrived at a decision that did not take into account all relevant material considerations.

Development Plan

The development plan in this case includes:

- TAYplan, as approved, (June 2012)
- Perth & Kinross Local Development Plan (adopted February 2014)
- 'Housing in the Countryside' 2005 policy document (HITC)
- Designing Streets
- Developer Contributions SPG

National Policy

The Planning etc. (Scotland) Act 2006 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It states that 'where the proposal is in accordance with the development Plan, the principle of development should be taken as established and that the process of assessment should not be used by the planning authority or other agencies to revisit that'. This section

reviews planning policy considerations at national, strategic and local levels relevant to this LRB appeal case.

Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) reiterates the objective of enhancing the character, landscape setting and identity of settlements. These are all factors which the proposal will help to achieve. SPP also advises that boundaries should not be drawn too tightly around the urban edge so that room for planned development is provided. Importantly, it states that 'hedges and field enclosures will rarely provide a sufficiently robust boundary' (Para 162). The proposed development will provide much needed housing within a new robust landscaped boundary replacing the existing field boundary on the eastern and northern edge. The current urban edge is not a planned or design termination of the character of the area. This small scale development, which better meets rural objectives, will provide a sustainable rural environment pattern of development and will fit in with the overall rural character of its wider context.

The proposed development is not entirely consistent with its existing designation, although it is within the defined settlement boundary. If planning permission were approved then it would help to meet an established (relatively small) housing shortfall.

In Paragraph 93 it is stated that 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.

In respect of housing, SPP sets out circumstances where a site can be considered to be 'effective' for development. In this circumstance, the site in question is free of any constraints that would otherwise preclude its development. The following 6 criteria are not known to be of any concern in this respect at the time of this submission:

- Ownership;
- Physical Features;
- Contamination;
- Deficit Funding;
- Marketability;
- Infrastructure; and
- Land Use

The site can therefore be considered to be 'effective' as per the criteria set out in SPP.

Further support for this type of housing in the countryside is endorsed within SPP paragraphs 131 (landscape) and 95 (rural development). 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 particular note is para 92 of the SPP 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. "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".

Designing Places – A Policy statement for Scotland 2011

This was the first general statement setting out the Government's aspirations for design and the role of the planning system in delivering published Planning Advice Notes on subjects such as the Siting and Design of Housing in the Countryside, Small Towns and Town Centre Improvement.

This document fills that gap. This statement sits alongside the policy on architecture, which was launched in October 2001, and it is a material consideration in decisions in planning applications and appeals. It will also provide the basis for a series of Planning Advice Notes dealing with more detailed aspects of design.

Planning Advice Note 67: Housing Quality

This Planning Advice Note (PAN) explains how Designing Places should be applied to new housing.

Planning Advice Notice 74: Affordable Housing

This sets out how the planning system can support the Government's commitment to increase the supply of affordable housing. It provides advice and information, including existing examples of better practice. It seeks to speed up the development of both market and affordable housing by ensuring that any affordable housing requirement included in the development plan is realistic and that the planning contribution is set within the wider housing policy context.

Planning Advice Note 76: Designing New Residential Streets

The PAN has been produced in line with the Scottish Government's drive to promote the design agenda. It follows on from Designing Places and forms part of the design based series of PANs. In particular, it complements, and should be read in conjunction with, PAN 67 Housing Quality. The advice applies to everyone engaged in the planning, design and approval of streets in new residential developments including planners, road engineers, architects and developers. In particular, it means that planners and engineers should work more closely together.

Development Plan

The Development Plan for the area currently consists of the Approved TAYPlan (2012) strategic document and the Perth & Kinross Local Development Plan (adopted in February 2014). An important part of the Development Plan in this instance is the Supplementary Planning Guidance (SPG) on Housing in the Countryside, which was approved by the Council in December 2012.

Overall, the proposal does not raise many particular strategic issues other than the wider acknowledged issue of Housing Land supply, which is discussed in detail in the Housing Land Assessment document, submitted with this LRB appeal.

Perth & Kinross Local Development Plan (adopted February 2014)

Siting and Design/Land Use Conflict

PM1B, Placemaking, states that residential development requires to:-

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

The associated Design & Access statement submitted with the original application provides a full assessment into the design rationale behind the scheme and how it complies with relevant local and national design policies.

In general terms the location is considered appropriate for a residential development as proposed. It would not result in a material degree of land use conflict or impact upon general amenity. and would have no adverse impact on the quality or amenity of the proposed residential environment.

Developer Contributions/Affordable Housing

The appellant is prepared to enter into a Section 75 legal obligation to deliver the necessary 25% affordable housing in accordance with LDP Policy RD4 – Affordable Housing. It was stated in the original planning submission that we were happy to enter into discussions with the Council in this regard during the course of the

planning application, however, the issue was never raised with us **at any time** during the planning application process. On account of the scale of the site and the market area, it is intended that the affordable housing would be delivered through a commuted sum to the Council to be used for affordable housing elsewhere.

The appellants are happy with the proposed amounts sought in respect of primary and secondary education contributions. This would be implemented through a legal obligation and/or planning condition as set out in LDP Policy PM3, and in conjunction with any affordable housing commuted sums.

Transport

The proposed development is well served by, and easily accessible to all modes of transport. Provision for walking and cycling and public transport has been considered as part of the design process and integrated within the development as required by LDP Policy TA1B and Designing Streets. This is covered in more detail as part of the associated Design & Access Statement.

Appropriate access and parking requirements are provided on site with the emphasis on maximising permeability and connectivity to encourage walking, cycling and the use of public transport. Cycle parking facilities will also be incorporated in accordance with relevant national and local planning guidance. The site provides access to local bus routes and scale of the development is such that the surrounding road network is capable of accommodating a development of this nature and scale.

Open Space/Green Infrastructure

The proposal provides a strong sense of openness and represents a development density of only one house per half acre. The proposed site is in a location which is well connected, safe and welcoming.

The design proposes substantial areas of high quality open space and landscaping throughout which would contribute positively to the recreational quality of the site. Green networks are to be established and encouraged by linking existing desire lines to the proposed link footpaths that connects with the Gorge. This assists in improving the quality of open space in order to improve the user experience and recreational quality of the development site. As a result the development is deemed to comply with LDP Policy CF1B – Open Space Within New Developments.

Woodland and Trees

Policy NE2 states that the Council will support proposals which:

- (a) deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment;
- (b) protect existing trees, woodland, especially those with high natural, historic and cultural heritage value;
- (c) seek to expand woodland cover in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy;
- (d) encourage the protection and good management of amenity trees, or groups of trees,

important for amenity sport and recreation or because of their cultural or heritage interest;

(e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and trees on development sites in accordance with BS5837 "Trees in Relation to Construction";

(f) seek to secure establishment of new woodland in advance of major developments where practicable and secure new tree planting in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy.

The proposed development is considered to protect existing trees and woodland area that is adjacent to the site which is recognised as being important for the landscape quality and general amenity of the local area as required by LDP Policy NE2. This is to be supplemented by the introduction of high quality planting which is intended to enhance the existing landscaping.

The planting on site would also acts as an effective screening barrier. Public views of the proposed houses are limited from surrounding areas resulting in a development which relates well to its landscape setting and is not overbearing or visually intrusive in the context of the local built form. As a consequence the proposal would have no material impact on the character, appearance and visual amenity of surrounding housing developments, other buildings and natural features.

Flooding

The development site is not located within a functional flood plain. There is no known risk of flooding in the area to be developed as part of this LRB appeal case. A watercourse runs parallel to the northern site boundary however it is not intended to develop this area of the site as part of the proposals. As the appeal site is not considered to be at risk of flooding the development is deemed acceptable and compliant with LDP Policy EP2.

Waste Management

The proposal will incorporate waste and recycling facilities, in accordance with Perth & Kinross Council's Waste Management Plan, 2013. The facilities would be located at the shared parking area to the south of the built up area. It is acknowledged that, in accordance with the Zero Waste Plan Scotland (2010), there should be a new way of looking at waste within Scotland and those materials previously considered as waste should instead be seen as a resource. To that end, a segregation scheme for recyclable materials would be incorporated, in line with the Council's adopted scheme for wastes collection. With the formation of the new access road, collection vehicles would not be presented with any issues in terms of access and egress to the site. We would be happy to undertake a waste management plan as part of the scheme, as per a suitably worded planning condition. Overall, the proposal will fully comply with the requirements of Policy EP9 – Waste Management Infrastructure. The construction phase would comply with Policy EP10 – Management of Inert and Construction Waste.

SUDS/Drainage

In terms of surface water drainage the development would incorporate a SUDS basin to the south east of the site which will integrate as part of the surrounding landscape. The feature would be surrounded by appropriate landscaping and would be engineered to appear as part of the local landscape thereby having no adverse impact on the suburban quality of the site. The proposed SUDS is deemed to be in accordance with the requirements of policy EP3C of the LDP.

5. Proposed Amendment – Gorge Visitor Parking

Local people who are familiar with the Gorge and how it is used by community groups, tourists, etc. are familiar with the issues that this facility creates in respect of parking and road safety.

The gorge is a well used and well received amenity resource, both for the local community, and visitors from further afield and for that reason it is very popular. However, the infrastructure to facilitate the number of people who use the attraction is wholly inadequate. Users will often park on the nearby road, which is unclassified and which, at its closest point to the Gorge, is on a bend, where both visibility and road width are poor, even without vehicles. The inclusion of buses, vans, motor vehicles on this stretch of road can often compromise road safety and increase the risk of an accident, both for pedestrians and road users.

As part of this LRB appeal, the appellants would like to offer an area to the east of the site to be set aside for a parking area for Gorge users. Figure 4, below, shows the approximate area where this additional parking would be located. It should be noted that this would link with the proposed footpath network, which connects with both with the Gorge itself and the wider settlement.



Figure 4: Proposed New Parking Area for Gorge Visitors

6. Compliance with Housing in the Countryside SPG

In their assessment of this case, and in particular, in the Reasons for Refusal, the planning officer did not consider whatsoever, the importance of the Housing in the Countryside SPG document and how significant it is in this case. This is very disappointing. Notwithstanding, this section outlines how this proposal both relates to, and complies with, this key document.

Supplementary Planning Guidance (SPG) is a material consideration that can be taken into account when determining a planning application. It is intended to provide helpful guidance, consistent with the provisions of the Local Development Plan (LDP). Scottish Government Circular 1/2009 "Development Planning" states, at paragraph 93, that guidance adopted in connection with the LDP will form part of the development plan. As such, SPG content will carry the same weight as the LDP in determining planning applications.

The SPG on 'Housing in the Countryside' supplements the Local Development Plan policy on rural housing by providing additional information on the process of assessing development proposals for rural housing. The guide forms an important part of considering planning applications for housing related development in rural areas.

New housing in rural areas can be a positive opportunity to increase the provision of housing in rural areas, which can help in sustain local, rural communities, and assist in defining rural character.

The Housing in the Countryside SPG in Perth & Kinross was approved by the Council in November 2012. The relevant extracts of this policy are attached as Appendix 1, although the following excerpt is key in defining locations where new housing may be appropriate in the countryside in Perth & Kinross area:

1. Building Groups

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted 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. 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).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- *The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*
- *The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- *The size and design of the infill houses should be in sympathy with the existing house(s)*
- *The full extent of the gap must be included within the new plot(s)*
- *It complies with the siting criteria set out under category 3.*

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

The site that is the subject of this LRB appeal may be considered as falling under the category of either a) or b) as defined above, or both. The site has built development on 3 of its 4 sides, as described further below:

- To the immediate west lies the recently built 4 large detached dwellinghouses
- To the immediate north lies a recently constructed dwellinghouse, a three story property that has recently been refurbished and an open site with planning permission for the erection of a single dwellinghouse
- To the immediate south lies the Rumbling Bridge nursing home.

All of the above mentioned borders to the appeal site are located within the settlement boundary of Rumbling Bridge, as defined in the recently adopted LDP. Indeed, the site is the only exception from the settlement boundary, despite the fact that it The figure below is taken from the LDP and it illustrates the context of the site and its character as an 'infill' site and how it fits within a strongly defined 'Building Group'. Indeed, it is a strong visual representation of the eastern constraints of the site and why it should be considered as representing a 'rounding off' of the existing settlement. The development as proposed would result in the consolidation of the built form of the settlement.

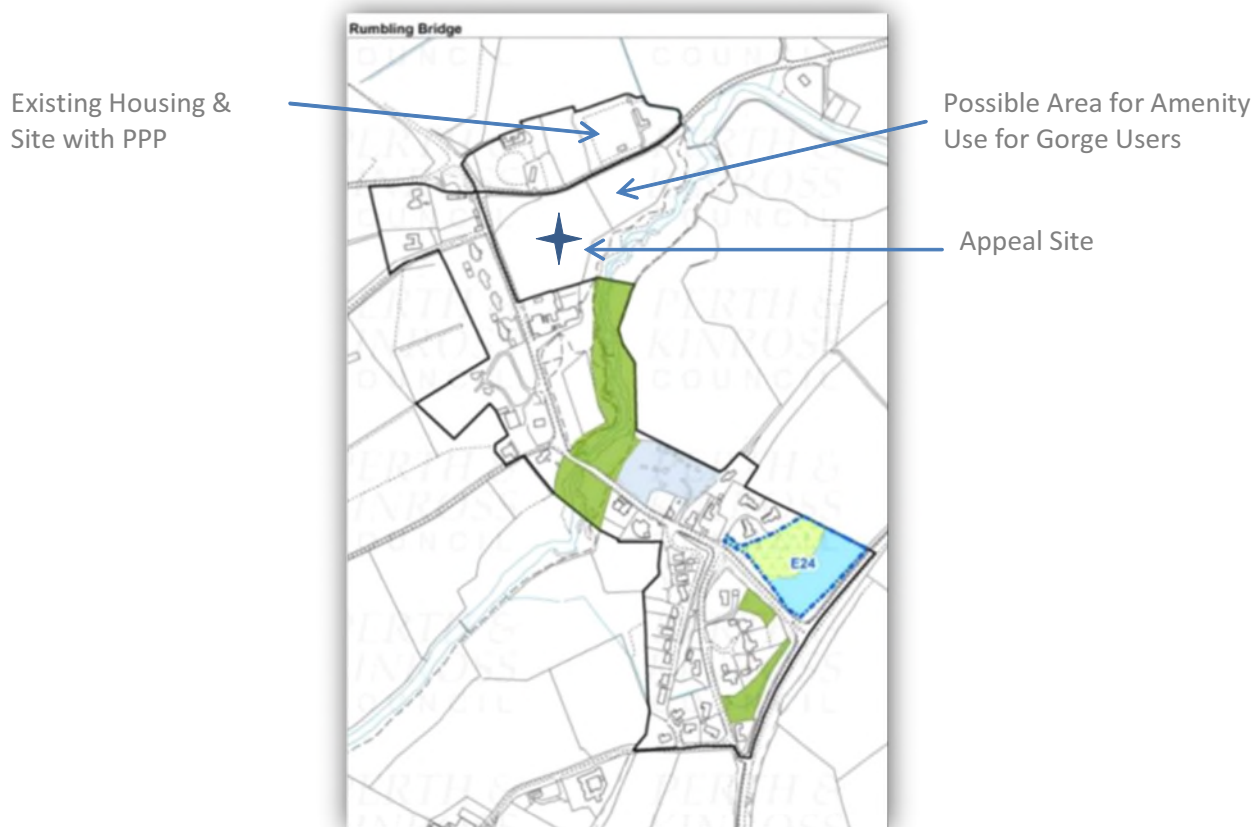


Figure 5: Rumbling Bridge LDP Extract and Site Environs

As can be seen in Figure 5, above, the River Devon (incorporating the Rumbling Bridge Gorge) runs from north east to south west and it acts as a defined boundary to the east of the site. Taking cognisance of this restriction, there is an area of some 3 acres or thereby immediately to the east of the appeal site that could, if required, be used for infrastructure and amenity use in respect of visitors using the Gorge, which is an acknowledged visitor attraction and amenity resource. It is important to note that the appellants for this LRB appeal do not have control over this site, thus any development of this area would be the subject of both separate negotiations and a separate planning application. The proposal in this instance would, however incorporate a footpath link to the Gorge that follows existing footpath to the west of the site, allowing better access for the existing Rumbling Bridge inhabitants, as well as future occupiers of the proposed houses. Further, as outlined in Section 5, the additional parking area as proposed would relate well to this area, should it be developed for this purpose.

Taking cognisance of the above site characteristics and the terms outlined in the wording of the HITC policy, it would be difficult to draw any other conclusion than that the site could be considered as anything other than being within a Building Group or that it is an Infill site

It is noted that the number of units that would be within a site that is accepted as being a Building Group acceptable is not defined. Logically, it follows that the number of units that would be permitted would be commensurate with the scale of the site and its environs. This proposal represents an opportunity within a site to add a small number of sensitively designed and configured houses to the existing small settlement in a way that consolidates the form of the settlement at the edge of the settlement. This approach facilitates for in providing much needed additional housing to meet local needs adjacent to the existing settlements.

In this case, the development, including the open space and amenity space that is proposed, would result in a density ratio of 1 house per half acre. This is far greater than the recently approved development to the west (four houses) which results in a development density of 1 house per quarter acre. The lower density development proposed in this instance responds positively to both the settlement fringe location and the character of the existing landscape.

7. Response to Reasons for Refusal

Context

The application was refused for the following two reasons:

1. *The site is outwith the defined settlement boundary for Rumbling Bridge. Policy PM4 (Settlement Boundaries) of the Perth and Kinross Local Development Plan, adopted February 2014, states that for settlements which are defined by a settlement boundary, development will not be permitted except within the defined settlement boundary. The proposal is therefore contrary to policy PM4 of the adopted Local Development Plan.*
2. *The proposed development is not well integrated with Rumbling Bridge village particularly in terms of access to the A823 for people on foot, bicycle and for the users of public transport. The proposal is therefore contrary to policy PM1B(e) of the Local Development Plan 2014 which requires new development to create safe, accessible, inclusive places for people, which are easily navigable particularly on foot, bicycle and public transport.*
3. *The development of this site would detract from the rural character of the village and is therefore contrary to policy PM1 (b) of the adopted Local Development Plan 2014 which requires development to respect the wider landscape character of the area.*
4. *The development of the site would be contrary to policy RD4 (Affordable Housing). This requires the provision of affordable housing to be integrated with and indistinguishable from market housing. The applicant proposes to contribute to off-site provision of affordable housing elsewhere and no justification has been submitted as to why the provision of on-site affordable housing is not practical.*

These four issues are altogether the determining issues in this LRB appeal. The assessment below provides a reasoned response to each reason for refusal.

Response to Reasons for Refusal

1. *The site is outwith the defined settlement boundary for Rumbling Bridge. Policy PM4 (Settlement Boundaries) of the Perth and Kinross Local Development Plan, adopted February 2014, states that for settlements which are defined by a settlement boundary, development will not be permitted except within the defined settlement boundary. The proposal is therefore contrary to policy PM4 of the adopted Local Development Plan.*

Response

The settlement boundary for Rumbling Bridge is not well defined. The inclusion of development at this site would strengthen what is currently a very weak and undefined boundary edge. Further, the wording suggests

that the proposal is significantly outwith the boundary whereas the western edge of the site is immediately on and adjacent to the eastern settlement boundary, as defined.

The proposed development is located outwith the settlement limit as prescribed within the recently adopted Perth & Kinross Local Development Plan 2014. Whilst it is acknowledged that the LRB appeal will be tested against Policy PM4 Settlement Boundaries, the appellant is contesting the line of the settlement limit and considers that the proposed site and adjacent grazing field should be located within the boundary limit. This reasoning comes from guidance contained within the SPP. Although the following relates to commentary on Green Belt boundaries, it is considered that the advice and guidance also relates to “countryside” and “settlement” boundaries. Paragraph 161 of the SPP states that *“inner boundaries should not be drawn too tightly around the urban edge, but where appropriate should create an area suitable for planned development between the existing settlement edge and Green Belt.....boundaries should be clearly identifiable on the ground, using strong visual or physical features such as rivers, tree belts, railway lines or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary.”*

In this regard, it is considered that the extensive mature tree cover and river feature including the gorge and densely wooded steep sides which extend from south of the nursing home grounds to define the south-eastern and eastern periphery to the two grazing fields (the most westerly of which comprises the proposed site) and the woodland area which extends along the whole length of the minor road to the immediate north of the grazing fields, naturally form a strong, long term and defensible settlement boundary, as advocated within SPP.

It is the appellant’s opinion that too much weight is given to the conclusions within the David Tyldesley report which was written nearly two decades ago. Much development has occurred since this “open field” was assessed. The report concluded that *“development of the open field in the village north of the nursing home would (be) inappropriate”* with the report identifying both landscape constraints and development not being consistent with the settlement pattern. In contrast, the LVIA submitted by the appellant concludes that the site has capacity for development without impacting on the integrity and character of this area of grazing and that the development is wholly consistent with and reflects the existing settlement pattern.

Since the publication of the David Tyldesley report, the settlement pattern within the northern part of Rumbling Bridge has significantly changed from dispersed properties within large grounds to low density housing with some large dwellings on the very northern periphery retaining the original dispersed settlement character. Much of this change in character is due to the recently constructed ribbon development along the western side of the A823, opposite the proposed site, which comprises four 5 bedroom single detached ‘villas’ with associated double garages which are located on elevated land with their main aspect overlooking the proposed site towards the wooded Devon gorge. Other single infill dwellings have also been built/under construction within the northern fringes of the village.

The proposed building footprint is now effectively surrounded on three sides by built form and the proposed development reflects the emerging settlement pattern within the northern part of Rumbling Bridge. Therefore the statement within the David Tyldesley Report where it suggests “development not being consistent with the settlement pattern” does not reflect the current environment within Rumbling Bridge.

Only a small portion of the overall grazing area is actually being proposed to be built upon with the grazing field to the east being left as grazing and the eastern sector of the proposed site given over to open space which

effectively wraps around the proposed steading built forms. The new built forms have a strong relationship with the existing urban edge and will effectively “round off” the settlement edge. It is strongly contended that the proposals are a minor and logical extension to the northern fringes of Rumbling Bridge. Development actually reinforces settlement strategy on a site which is surrounded by development on three sides by consolidating the edge to the built up area.

2. *The proposed development is not well integrated with Rumbling Bridge village particularly in terms of access to the A823 for people on foot, bicycle and for the users of public transport. The proposal is therefore contrary to policy PM1B(e) of the Local Development Plan 2014 which requires new development to create safe, accessible, inclusive places for people, which are easily navigable particularly on foot, bicycle and public transport.*

Response

Due to the limited built footprint of the proposed development within the south-western part of the site which clearly relates to the existing urban fringes of the village, the parkland character of this “open field” will be retained whilst the removal of the various style of outbuildings which are in a varied condition and the area containing building materials in close proximity to the existing outbuildings within the northern part of the site will be a beneficial change to the current ‘run down’ character of this part of the landholding.

The proposed comprehensive site-wide planting strategy draws upon the characteristics of the immediate and wider context where existing woodland cover which defines the immediate context to the north and south will be augmented by a further layer of woodland and structure planting. Not only will this provide a framework and backdrop to the new development but through a long term management plan for the site will also ensure the long term survival of this existing important landscape resource.

The proposed development will also facilitate long-term permeability of the area through the creation of the large swathe of open space surrounding the proposed built forms which will include a path network and connect to the existing core path network along the River Devon and across the village and wider context.

The proposed site is well defined by built form on three sides, offers a distinct sense of place and its release for a courtyard development (as presented) is considered to be a logical extension to the existing settlement pattern. The landholding has clearly defined and defensible boundaries which will be augmented by the comprehensive site-wide planting strategy. The proposed planting layers will bring a more secluded character to this part of Rumbling Bridge and complement the setting by drawing upon the characteristics of the wider area. The introduction of a new gateway and stone piers will create new key features on the approach into Rumbling Bridge from the east whilst the new park will become a hub of passive recreation which will be overlooked by residents and allow greater accessibility to the River Devon gorge and the wider path network.

3. *The development of this site would detract from the rural character of the village and is therefore contrary to policy PM1 (b) of the adopted Local Development Plan 2014 which requires development to respect the wider landscape character of the area.*

Response

As a result of construction on the landholding for a low density, courtyard steading development, there will be a limited loss of grazing land and a small area of rough grassland which contains a number of outbuildings and small stables. The loss of a grazing field will have a minor impact on the physical landscape due to the wider context comprising an agricultural landscape with an abundance of pasture. Furthermore, the site is isolated from the wider pastoral landscape by the mature wooded corridor of the River Devon and therefore its value as a grazing field is limited.

Although the extensive mature tree cover across the immediate context to the site is a valuable resource and has a high natural heritage importance, the pasture and rough grassland across the site itself is not particularly valuable.

The woodland features provide an opportunity to relate new development to established components in the landscape. As such, the proposed development strategy seeks to retain and augment the important woodland and hedge features around the perimeter as far as practicable. Through the adoption of a pro-active site-wide management plan, the strategy ultimately seeks to manage and maintain the quality of this landscape resource thereby providing for its longer term survival.

Where appropriate, new woodland structure planting, specimen trees and domestic/ornamental planting will form part of a comprehensive mitigation strategy which will be adopted across the landholding. This will help to reinforce the sense of structure experienced across the area and provide the opportunity for the creation of extended wildlife corridors. Whilst there will be a period of adjustment and change, through careful planning and design, development will have only a low impact on the overall landscape resource in the short term, whilst in the longer term many of these features will be enhanced, creating a new positive element on the urban/rural fringe. Therefore the impact on landscape resources is considered to be Minor and Beneficial.

Following development, there will be an impact to the local landscape character of the site and its immediate context, changing from an area of grazing with a parkland character on the urban fringe to a landscape containing new development forms with associated infrastructure and set within a framework of open space, woodland, structure and ornamental planting. The existing parkland character will be retained. In addition, the removal of the various styles of outbuildings utilised as stables which are in a varied condition and a relatively large area containing building materials in close proximity to the northern boundary will be a beneficial change to the current 'run-down' character of this part of the landholding.

In terms of landscape character, the proposed site falls on the eastern fringes of the 'Devon Gorge' landscape character area (LCA) adjacent to the 'Crook of Devon' LCA to the east and the 'Aldie Hills' landscape character sub-area of the 'Loch Leven Basin Low hills' LCA to the south, all as classified within the Kinross-shire Landscape Character Assessment. This assessment was included within the Tayside Landscape Character Assessment (1999) which provided a more broad-brush approach to the landscape across Perth and Kinross and concluded that the wider landscape context to Rumbling Bridge is classified as 'Lowland Basins' Landscape Character Type (LCT).

Both the 'Devon Gorge' and 'Crook of Devon' LCAs form part of the 'Valley of the River Devon' LCT and as such, have very similar characteristics. Both LCAs have many positive attributes mainly associated with the river corridor itself which possesses a steep-sided, well treed valley in the vicinity of Rumbling Bridge. Between the Crook of Devon and Rumbling Bridge the valley is confined, predominantly grassland on the upper slopes and well wooded, with the Ochil Hills dominating the skyline. The landscape has an intimate and small scale landform

and includes low-lying, well treed settlements with soft edges including Rumbling Bridge. Outwith the small settlements, settlement pattern includes infrequent farmsteads which relate well to landform and woodland and large 18th and 19th century houses set within mature wooded grounds. Woodland cover effectively screens views towards built form with only occasional glimpses through tree cover afforded.

These positive characteristics have been drawn into the masterplan and vision for development of the site. A proactive design strategy has been developed to ensure the proposed development forms an appropriate addition to the River Devon valley landscape with the well-defined existing landscape structure providing a framework and backdrop to the new development.

Through careful site planning new built forms and associated infrastructure have been laid out to respond positively to the landform with a minimal requirement for earthworks. The new built forms are located within the shallow basin landform within the western sector and the access road gently curves around the lower slopes of the small drumlin form within the eastern part of the site. In addition, the existing sense of structure experienced has been reinforced by the introduction of a new layer of “native” species based planting. This paves the way for a third layer of structure, specimen and some ornamental planting to be implemented and, once established, will combine with woodland planting to soften and filter potential glimpsed views towards the new development.

There is also a real opportunity to extend the stone wall feature which defines the woodland adjacent to the north-western corner of the site and create a new ‘gateway’ into Rumbling Bridge from the east. Stone walls are an inherent feature across the immediate and wider context and it is proposed that they form part of the design code to be applied across the site at key locations. Not only do these elements create a strong sense of arrival to this unique courtyard development but they also reflect the historic past across the wider context.

Overall, it is considered that strategy presented which incorporates a distinctly formal layout is consistent with the characteristics of the more traditional settlement pattern within the southern part of the village. Proposals such as the introduction of a new woodland structure, beech hedges, stone walls and stone pier features across the site will have a positive effect. Therefore the impact on landscape character is considered to be Minor and Beneficial.

In assessing the visual impact of the proposed development on the landscape, full consideration has been given to all viewpoints, their location and distance from the site, the quality of each view and the impact that the development will have on the setting.

The mature wooded corridor of the River Devon gorge, well-vegetated grounds of the nursing home, woodland blocks and large wooded grounds of single dwellings lining the local road network, woodland and structure planting associated with Muckhart golf course and mature vegetation defining the field boundaries in the wider agricultural setting all combine with the undulating topography to create an extremely tight visual envelope with only limited opportunities for local views.

From higher ground within the surrounding open countryside the prolific woodland structure surrounding the proposed site wholly screens views. Similarly, from further east along the minor road to Lendrick Muir and Crook of Devon mature woodland components including the River Devon valley and woodland belts, restrict views towards the site

As the receptor travels west along this minor road into Rumbling Bridge, once passed the pedestrian entrance to the core path network along the River Devon, channelled views towards a small portion of the landholding become available. As the receptor travels closer to the proposed site, although more open in character, views across the full extent of the landholding are very limited and obscured by the drumlin hill form within the eastern sector. This is illustrated in Viewpoint 3, Figure 3, where views are directed towards the upper parts of the large newly built dwellings which overlook the A823 corridor and the site.

As illustrated in the Site Layout, it is proposed to locate the main building group within the shallow basin in the western part of the site and framed by the existing woodland structure to the north and south and the beech hedge to the west and further framed by existing built form. The existing skyline created by the newly built dwellings and the nursing home will be preserved.

Once the new layer of native species based site-wide planting begins to establish, filtered and glimpsed views towards the new courtyard development and gate lodge will bring a new positive element to the fringes of Rumbling Bridge. This strategy is in keeping with the existing settlement pattern in the area where glimpsed views towards groups of built forms are characteristic.

There will also be local filtered views from the south as receptors travel through Rumbling Bridge along the A823. It is proposed to retain and augment the high beech hedge along the western boundary with specimen trees which will aid in further softening views towards the new courtyard development and set against a backdrop of the new and existing layers of woodland which extend to frame the wider setting.

It is therefore assessed that there are very limited opportunities to view the site. The proposed building groups, where visible, will be viewed as an urban fringe development framed by existing built form and a strong framework of mature woodland. In the long term, as the proposed planting matures, the sense of structure will be further enhanced and through the introduction of cultural heritage features across the landholding, the sense of place and wooded character of the immediate setting will be extended into the site. Therefore the impact on visual amenity is considered to be Minor in the short term and Beneficial.

Emphasis has been placed in the development strategy on the need to respect the opportunities and constraints inherent across the site, whilst having regard for the potential to build upon the 'sense of place' through sensitive design.

Proposed mitigation measures have been designed to ensure that any impacts resulting from the new development are minimised. This has been achieved through a combination of factors including: protecting the key features in the landscape including the retention and enhancement of the existing tree and hedge structure; introduction of new woodland and structure planting; introduction of a further layer of domestic and ornamental planting; introduction of new gateway features and boundary treatments reflecting the historic context of the site; the careful siting, distribution and orientation of new built forms to respond positively to the setting and landform; sensitive alignment of infrastructure to minimise the need for ground modelling; protecting the existing skyline created by the newly built single dwellings and the nursing home along the A823; an appropriate scale, form and mass of development to reflect the character of the settlement within the wider context; the sensitive use of materials and detailing; and, a long term management plan responsible for the maintenance of all communal areas, structure/woodland planting and hard landscape features.

The site is effectively hidden from all but very local viewpoints by a combination of the existing mature vegetation cover and landform. This effect is most pronounced within the western and northern sectors of the site where the mature woodland cover and beech hedge combine with the local landform within the eastern part of the site to provide a distinct sense of containment. As such, the retention of the mature vegetation on the boundaries and ultimately its enhancement is seen as an important baseline factor to the successful integration of the proposed development and losses have been kept to an absolute minimum.

The overall concept of the landscape strategy seeks to not only further increase the sense of structure and wooded character across this landscape but also, promote a proactive conservation plan where the new planting strategy and open space provide direct links to the wider recreational resource of the River Devon gorge. In turn, this will increase the sense of public access across the site and allow new habitat corridors to be created across the landholding whilst safeguarding the setting to the village from further development.

The proposed site is well defined by built form on three sides, offers a distinct sense of place and its release for a courtyard development (as presented) is considered to be a logical extension to the existing settlement pattern. The landholding has clearly defined and defensible boundaries which will be augmented by the comprehensive site-wide planting strategy. The proposed planting layers will bring a more secluded character to this part of Rumbling Bridge and complement the setting by drawing upon the characteristics of the wider area. The introduction of new gateway and stone piers will create new key features on the approach into Rumbling Bridge from the east whilst the new park will become a hub of passive recreation which will be overlooked by residents and allow greater accessibility to the River Devon gorge and the wider path network.

Careful consideration has been given to the scale and form of the proposed development to ensure any local impacts are minimised. This has included the architectural style and detailing of the built forms as well as the choice of materials. Ultimately, the sensitively planned development of this urban fringe site together with the integral detailed landscape strategy will be seen to 'complete' the settlement pattern within the area by consolidating the edge to the existing built form.

This assessment concludes that the landscape has the capacity to absorb the scale of development proposed and any impacts generated can be appropriately addressed through the proposed mitigation strategy. This will create a framework for the application of current best practice guidelines in the design of all elements of the new residential development. The siting, massing, shape, design, finishes and materials of new building forms, as well as the hard and soft landscape proposals, have been detailed to ensure that the new steading and gate lodge development will be seen to fully integrate with the overall setting and historic character of Rumbling Bridge.

'The aim is to facilitate positive change whilst maintaining and enhancing distinctive character.' Paragraph 127, SPP

4. *The development of the site would be contrary to policy RD4 (Affordable Housing). This requires the provision of affordable housing to be integrated with and indistinguishable from market housing. The applicant proposes to contribute to off-site provision of affordable housing elsewhere and no justification has been submitted as to why the provision of on-site affordable housing is not practical.*

Response

This matter was not raised whatsoever by the planning officer during the determination of the case. However, had it been raised, the response would have been that a contribution, expressed as a commuted sum (with a figure to be agreed) towards affordable housing provision would have been acceptable, as per Policy RD4 in the adopted LDP. This could be enforced either through planning condition or by Legal Agreement, whichever is deemed most appropriate by the Planning Authority.

Should this LRB appeal be upheld in principle, it would be reasonable to defer determination of the case for a period of 3 months to enable the relevant planning obligation (either an agreement with the planning authority under section 75 of the Town and Country Planning (Scotland) Act 1997 or such other legal instrument as may be agreed by the parties) to be completed and registered or recorded, as the case may be.

8. Letters of Representation

For the avoidance of any doubt, the matters referred to in Sections 5, 6 and 7 above respond to and address the majority of the matters referred to the letters of representation as submitted through the course of the planning application.

However, one extant matter that has not been expunged is the current use of the appeal site. Two objectors referred to the site as a 'focal green centre' and an 'amenity area' for the village. This is completely incorrect. The site lies to the north of the village and is mainly contained by the existing beech hedge when viewed from the village itself. It has also not been used for any amenity purpose and is used for *ad-hoc* storage and grazing for horses by the appellants.

Further, several objectors refer to transport concerns. There are two responses to this; one, that the proposed car parking area to the east of the application site will alleviate an acknowledged car parking and road safety concern in relation to gorge visitors and two, that the Council's Transport section offered no objection whatsoever to the proposal.

In addition, references were made in respect of the original purchase of the land, which is not a material planning consideration.

9. Recent Relevant Appeal Decisions

Ref:	PPA-210-2031
Location:	Dunbar, East Lothian
Date:	February 2014
Proposal:	80 dwellinghouses
Development Plan Status:	Allocated in Development Plan as Countryside

Summary:

The Reporter concluded that the proposal was overall contrary to the provisions of the development plan. The site is prime agricultural land and not allocated for development.

However, the Reporter also considered that there were compelling material considerations that indicate there is currently a significant shortage of effective housing land in East Lothian. This shortage was considered serious enough to justify the exceptional release of new housing land where there are no overriding planning objections.

The Reporter accepted that granting planning permission outwith the formal development planning process is far from ideal. Adopting such an approach has the obvious disadvantage that there may be better sites elsewhere. It also means it is difficult to identify any cumulative impacts. However, the alternative of waiting for the full local development plan process would most probably mean that for any identified site, actual construction could not occur until 2017 at the earliest. The delay could be much longer than that. It was considered that the risks of granting an exceptional planning permission were outweighed by the more likely early construction of much needed houses.

Relevance:

This appeal case is very closely aligned with the proposed LRB appeal at hand in Rumbling Bridge. Whilst the case at Dunbar proposed more housing, crucial elements are considered at both. Those are that in both cases:

- The land is at the edge of the defined settlement, but is well related to it from a landscape and setting perspective.
- The wider housing land context is woefully inadequate.
- The settlement boundary is not well defined.
- The houses being proposed are much needed.

Ref:	PPA-210-2042
Location:	Dunbar, East Lothian
Date:	July 2014
Proposal:	15 dwellinghouses
Development Plan Status:	Not Allocated in Development Plan for Residential Use

Summary:

In this appeal case at Dunbar in East Lothian for 15 houses, the Reporter concluded that, 'while the proposed development does not accord overall with the relevant provisions of the development plan, granting planning permission is nevertheless justified by the planning history of the site and its relation to adjacent land, bearing in mind the importance of supporting certainty and confidence in the planning system'

Relevance:

This highlights the flexibility that is required in the planning system in order to instill confidence thereof, as can be undertaken in this LRB appeal case. Housing need was also cited as an important factor, as is the case in the LRB appeal proposal.

Ref:	PPA-230-2125.
Location:	Ratho, Edinburgh
Date:	November 2014
Proposal:	7 dwellinghouses
Development Plan Status:	Not Allocated in Development Plan for Residential Use

Summary:

The proposal was originally refused as it was deemed to conflict with Local Plan Policy, which, whilst supporting infill housing development, states that the proposal should not conflict with any other provision of the local plan. The Reporter, concluded, that for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan.

However, he found that the granting of planning permission would be 'justified as this is a small scale infill site within the village and housing development complies with all the other relevant provisions of the development plan. It would preserve the setting of the listed building and the character or appearance of the conservation area. It would also contribute to meeting housing need.

In this LRB appeal case, the proposal complies with the relevant provisions of the development plan, would accentuate the character and appearance of the settlement, strengthen the settlement boundary and contribute to housing need.

Relevance:

This proposal is very similar to the LRB case in that it is essentially an infill site that sits on the settlement boundary.

Ref:	PPA-230-2109
Location:	MacDonald Road, Edinburgh
Date:	May 2014
Proposal:	Flatted dwellinghouse development
Development Plan Status:	Not Allocated in Development Plan for Residential Use

Summary:

Having regard to the provisions of the development plan, the main issues in this appeal were; the strategic context for the proposed change of use (housing land), the compatibility of the proposed use with surrounding uses, whether a satisfactory residential environment can be provided, and the impact on transport and parking provision in the area.

The Reporter concluded that the proposed development was consistent in overall terms with the relevant provisions of the development plan and that no material considerations would justify the refusal of planning permission.

Relevance:

The Reporter considered that an important consideration in his assessment was the shortage of housing land in the Lothians area, as is the case is Perth & Kinross.

10. Summary of Conclusions

It is submitted that the proposal that is subject of this LRB appeal ought to be given planning permission given that:

- The settlement boundary is not well defined, despite a relatively recent re-alignment in the adopted LDP (February 2014).
- The exclusion of the site in the LDP as being part of the settlement was predicated against a landscape document that is now 20 years out of date and does not reflect recent development, in particular the erection of four very large dwellinghouses immediately to the east of the site.
- The proposed modest housing development of only 7 units has been designed to respond to, and work with, the landscape character of the area.
- The proposed development is of a design and type that aligns with the existing urban fabric of the local vernacular.
- The proposed new car parking area for users of the adjacent gorge will a) alleviate an acknowledged parking and road safety problem in respect of the existing road and b) relate well to the adjacent field, should it be developed to support further, more structured use of the gorge.
- Pedestrian access and permeability for the settlement as a whole as it relates to the gorge and the wider countryside area to the west and east, will be significantly improved.
- Commuted sums, as required can be dealt with by suitable planning control in respect of requisite off site affordable housing.
- The proposal complies with the Housing in the Countryside SPG.
- The Council's development strategy will not address the growing housing land shortfall across Perth & Kinross. It is inevitable that the backlog in housing need and demand will continue to grow.
- Perth & Kinross Council has failed to contribute an effective land supply to meet its 5 year land requirement together with TAYplan maintaining a 5 year housing land shortfall.
- As a windfall site to assist in addressing this shortfall, on account of the provisions outlined in the Planning Statement also submitted in support of this planning application, the site at Rumbling Bridge should be considered for approval.
- Other recent appeal decisions support the approval of a development of this type, where a) it is located at the very edge of the defined settlement and b) there is a chronic shortage of housing land.

Accordingly, it is requested that this LRB appeal be upheld and that planning permission is granted.

Appendix 1 – Housing in the Countryside 2012 Extract

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

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

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

In addition they must also meet all the following criteria:

For All Proposals

- a) Proposals should comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.*
- b) Pre-application discussion is recommended.*
- c) Satisfactory access and services should be available or capable of being provided*
- d) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.*
- e) All proposals for 5 units or more will either: require 25% of the proposed development to be for affordable housing; or require a developer contribution towards the provision of affordable housing, either on or off site. The council's housing needs assessment and the Affordable Housing Policy will be used to determine whether provision is to be on or off site or by way of a financial contribution.*

Note: For the purposes of this policy the restoration or replacement of an existing occupied or vacant house (as opposed to a ruin) will not constitute the creation of a new unit.

- f) The quality of the design and materials of the house(s) should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of a new house(s).*
- g) Existing on site materials, particularly stone and slate, should be re- used in the construction of the*

dwelling house and/or the boundary enclosure, in order to help reflect local character and contribute to sustainability.

h) Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.

i) Encouragement will be given to the incorporation of measures to facilitate home working within new development

j) The proposed development should not conflict with any other policy or proposal in the Local Plan.

k) It is the Council's policy to halt the loss of biodiversity. Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Proposals which might impact on protected sites, or where protected habitats or species (eg bats, barn owls, house martins, swallows, swifts) might be present, will require submission of a survey as part of the planning application to show their location. Proposals should include appropriate measures to avoid loss or disturbance to species. Failure to undertake a survey may mean the proposal contravenes the Wildlife and Countryside Act 1981 (as amended) and European Directives.

l) Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Lochs and the River Tay SACs.

m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered

to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits.

1. Building Groups

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted 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. 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).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- The size and design of the infill houses should be in sympathy with the existing house(s)*
- The full extent of the gap must be included within the new plot(s)*
- It complies with the siting criteria set out under category 3.*

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

PERTH AND KINROSS COUNCIL

Johnson Family
c/o Cockburn's Consulting
Brent Quinn
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Pullar House
35 Kinnoull Street
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PH1 5GD

Date 8th October 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01308/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 7th August 2014 for permission for **Erection of 7no. dwellinghouses, formation of access road and associated infrastructure Land 100 Metres South Of Merryorchard Rumbling Bridge** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The site is outwith the defined settlement boundary for Rumbling Bridge. Policy PM4 (Settlement Boundaries) of the Perth and Kinross Local Development Plan, adopted February 2014, states that for settlements which are defined by a settlement boundary, development will not be permitted except within the defined settlement boundary. The proposal is therefore contrary to policy PM4 of the adopted Local Development Plan.
2. The proposed development is not well integrated with Rumbling Bridge village particularly in terms of access to the A823 for people on foot, bicycle and for the users of public transport. The proposal is therefore contrary to policy PM1B(e) of the Local Development Plan 2014 which requires new development to create safe, accessible, inclusive places for people, which are easily navigable particularly on foot, bicycle and public transport.

3. The development of this site would detract from the rural character of the village and is therefore contrary to policy PM1 (b) of the adopted Local Development Plan 2014 which requires development to respect the wider landscape character of the area.
4. The development of the site would be contrary to policy RD4 (Affordable Housing). This requires the provision of affordable housing to be integrated with and indistinguishable from market housing. The applicant proposes to contribute to off-site provision of affordable housing elsewhere and no justification has been submitted as to why the provision of on-site affordable housing is not practical.

Justification

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

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

Plan Reference

14/01308/1

14/01308/3

14/01308/4

14/01308/5

14/01308/6

14/01308/7

14/01308/10

14/01308/12

14/01308/13

14/01308/14

14/01308/15

14/01308/16

14/01308/17

14/01308/18

14/01308/19

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/01308/FLL	
Ward No	-	
Due Determination Date	06.10.2014	
Case Officer	Persephone Beer	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of 7no. dwellinghouses, formation of access road and associated infrastructure

LOCATION: Land 100 Metres South Of Merryorchard Rumbling Bridge

SUMMARY:

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

DATE OF SITE VISIT: 26 August 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 7 dwellinghouses, formation of access road and associated infrastructure on land 100 metres south of Merryorchard, Rumbling Bridge.

The site is an undulating paddock area located between the A823 public road to the west and an unclassified minor road to the north. The majority of the site is used for horse grazing. The grounds of a nursing home form part of the southern site boundary with the wooded corridor of the River Devon gorge extending to the north along the south-eastern boundary.

The proposal is for the erection of 7 four bed dwellings. Six of the dwellings are designed in a courtyard style arrangement with the seventh dwelling being a separate house. The layout is intended to reflect a traditional steading development with farmhouse and steading arranged around a courtyard. The dwellings will be a mix of one and a half and two storey buildings. The built development covers around 50 percent of the site. The remainder is intended to be open space with new paths provided to link to the wider Core Path network.

SITE HISTORY

There is no planning application history recorded for this site however it was considered as part of the Examination into unresolved issues to the Proposed Local Development Plan. Following this the reporter concluded that the development of the site for housing, even at low density, would detract from the attractive rural character of the village, and would be unnecessary having regard to the other opportunities for infill development within the settlement boundary. The site was not allocated for housing and the settlement boundary was drawn to exclude it.

PRE-APPLICATION CONSULTATION

Pre application Reference: None.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy PM3 - Infrastructure Contributions

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

OTHER POLICIES

Perth and Kinross Placemaking Guide
Scottish Government – Designing Places

CONSULTATION RESPONSES

Environmental Health
No objection.

Forward Planning
This proposal is contrary to Policy PM4 Settlement boundaries. There is a policy objection to the planning application as it does not accord with the Perth and Kinross LDP.

Local Flood Prevention Authority
No objection.

Fossoway Community Council
Objects. States that the proposal is contrary to the Local Development Plan policies PM1B (a) and (d); PM4, RD3; RD4 and TA1B.

Contributions Officer
Developer contributions required with regard to primary education provision and affordable housing.

Community Waste Advisor - Environment Service
No objection subject to appropriate provision of waste storage and recycling facilities.

Access Officers
Would need details of path construction and exactly how the paths will link to the core path in the gorge particularly with regard to changes in level. Also, there appears to be a large area of what looks like park land to the east of the proposed development, (through which the linking paths run), will this be 'public' or 'private' and who will be responsible for maintaining it?

Transport Planning
No objection subject to conditions.

Scottish Water
No response.

Education And Children's Services
This development falls within the Fossoway Primary School catchment area. Based on current information this school will reach the 80% capacity threshold. It is requested that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.

REPRESENTATIONS

The following points were raised in the 11 representation(s) received:

- Contrary to the adopted Local Development Plan;
- Any future development should be considered as part of a review of the local plan. Have just consulted on the new plan and should not disregard it.
- Impact on village character (contrary to policy PM1B (a) and (d));
- Traffic concerns (contrary to policy TA1B);
- Development does not relate to the village (contrary to PM4);
- Developer proposes off-site affordable housing (contrary to RD4) – should be integrated with other housing not separate;
- Loss of open space;
- No provision for bin lorries;
- Adverse impact on nature conservation and trees;
- Overlooking;
- Design;
- Not required - too many houses in area;
- Inaccuracies in applicant's statement.

The issues raised by in the representations are covered below in the appraisal section of this report.

ADDITIONAL STATEMENTS RECEIVED:

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

APPRAISAL

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

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

Policy Appraisal

The site is located outwith but immediately adjacent to the Rumbling Bridge settlement boundary as defined in the Perth and Kinross Local Development Plan (LDP), adopted in February 2014. Policy PM4 is therefore of most relevance in the consideration of this application. This states that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

The proposal is therefore contrary to policy PM4 of the adopted Local Development plan.

The Council's Development Plan Team comment that Policy PM4 settlement boundaries was a policy which was specifically inserted into the LDP by the Reporter at its Examination stage. In recommending the inclusion of this Policy the Reporter stated:

"There seems little logic in drawing settlement boundaries if they have no effect in defining the edge of settlement and are only an indicator of where development might and might not be encouraged. It is recommended therefore that a new policy is included within the Proposed Plan, which sets out a presumption against development outwith a defined settlement boundary. This will provide much greater certainty for local residents and for prospective developers alike".

The applicant refers to Policy RD3 Housing in the Countryside and its Supplementary Guidance however this proposal is not relevant in this case as a settlement boundary exists for Rumbling Bridge which makes PM4 the primary policy of relevance.

Design and Layout

The proposal is for six four bed dwelling houses set around three sides of a proposed courtyard area. A separate detached dwelling is located to the north east of the group. The development is intended to represent a traditional farmhouse and steading style arrangement. The built development is primarily proposed on the western half of the site with the remainder of the site being left open. The open area has the main vehicular access through it which links to the unclassified minor road to the north. Links to nearby core paths are also proposed. The proposed materials include slate, clay pantiles, render, stone and western red cedar. Farmhouse will be of contemporary style.

Landscape

The submission shows that there will be landscaping around the outskirts of the development to tie in with the existing beech hedge to the west and to

allow for privacy from the main road. The public open space proposed will be communally maintained.

The application has been accompanied by a Landscape and Visual Appraisal which the applicant states provides the basis for the development of the site layout taking into account the landscape character and visual amenity of the site.

The landscape capacity of the site was also considered as part of the examination into the Proposed Local Devolvment Plan. At that the Council stated in its submission that "This site to the north of the nursing home was considered by the David Tyldesley and Associates Landscape Capacity Study which identified this area of land as a sensitive edge to the settlement with important landscape features or views beyond. The conclusion of this report states that 'Development of the open field in the village north of the nursing home would (be) inappropriate' identifying both landscape constraints and development not being consistent with the settlement pattern (S4_Doc_700). The settlement boundary has been drawn widely enough to provide sufficient infill opportunities to meet future housing demands and development of this site is not required."

Whilst the Reporter concluded that, "a landscape capacity study highlighted that this open field (R3) near the gorge is an important feature of the landscape character of this part of the village. Its development for housing, even at a low density, would detract from the attractive rural character of the village, and is unnecessary having regard to the other opportunities for infill development within the settlement boundary."

In conclusion there are more appropriate opportunities available within the settlement boundary. This application for housing development is on a sensitive site and its development would detract from the nearby gorge and the landscape character of the village.

One reference in the Planning Statement (14/01308/19 - page 7) states that: "Low level shrubs will be provided in various other locations around the building to provide points of interest and soften the building edge. All proposed footpaths will be concrete paving slabs, changing style / direction of layout / colour to differentiate between the proposed Class 1 Store, the car park and the street". One of the objectors to the proposals suggests there are errors in the applicant's submission. This is one of example of this which raises some concern as to the accuracy of other parts of the submission.

Residential Amenity

There are residential properties to the west of the site on the opposite site of the A823. These are large detached dwellings in a relatively elevated position. However, I consider that the proposed new dwellings are far enough from these to not impact on their residential amenity. The existence of a

substantial beech hedge along the A823 site boundary also helps to restrict views directly into the rear gardens of the new dwellings.

I do not consider that residential amenity would be adversely affected by the proposal.

Visual Amenity

The site is an open field of some character. The site is undulating with a drumlin style feature at its centre. The site is recognised as an important feature of the landscape character of this part of the village. Its development for housing, even at a low density, would detract from the attractive rural character of the village. I therefore conclude that development of the site would have an adverse impact on the visual amenity of the area.

Roads and Access

It is proposed that vehicular access to the development will be from the unclassified road to the north. Whilst new path links are proposed access to the core of Rumbling Bridge village for pedestrians, cyclists and public transport users is not as accessible as it should be, entailing a convoluted route to the northern end of the site before gaining access to the A823 to turn south back towards the centre of the village. I would therefore agree with some of the objectors that the proposed housing is not well integrated into the main part of the settlement and as such would be contrary to policy PM1B (e) of the Local Development Plan that seeks to ensure that sites are easily navigable on foot, bicycle and public transport.

The Council's Transport planners do not object to the proposal subject to a number of conditions including the construction of a footway along the A823 section of the site.

The Council's Access Officer comments on the provision of the proposed path links to the Core Paths in the gorge. More information would be required with regard to path construction and the detail of how they link to the gorge. In addition it is unclear whether the paths would be public or private and who would maintain them. This would have to be considered in some detail if the application is to be recommended for approval.

Drainage and Flooding

A SUDS basin is proposed to south east of the site although I could not find this shown on the plans. There are no significant concerns or objections with regard to drainage and flooding matters.

Developer Contributions

Developer Contributions would be required in terms of the provision of affordable housing and the provision of primary education. The applicant has stated that they would be willing to enter into a section 75 Agreement to ensure that these requirements are met.

Economic Impact

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

Housing land supply

The applicant has submitted a report with regard to housing land supply and questions whether the development strategy at Perth & Kinross complies with the approved Development Plan and Scottish Planning Policy (SPP) in relation to meeting the housing land supply requirement.

The applicant suggests that there is a housing land shortfall in Perth and Kinross and that the site at Rumbling Bridge could help meet the housing land requirement.

I would disagree with this assertion and agree with planning policy colleagues who note that the settlement boundary has been drawn widely enough to provide sufficient infill opportunities to meet future housing demands within this area and the development of this site is not required.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 or with the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The site is outwith the defined settlement boundary for Rumbling Bridge. Policy PM4 (Settlement Boundaries) of the Perth and Kinross Local Development Plan, adopted February 2014, states that for settlements which are defined by a settlement boundary, development will not be permitted except within the defined settlement boundary. The proposal is therefore contrary to policy PM4 of the adopted Local Development Plan.
- 2 The proposed development is not well integrated with Rumbling Bridge village particularly in terms of access for people on foot, bicycle and for the users of public transport. The proposal is therefore contrary to policy PM1B(e) of the Local Development Plan 2014 which requires new development to create safe, accessible, inclusive places for people, which are easily navigable particularly on foot, bicycle and public transport.
- 3 The development of this site would detract from the rural character of the village and is therefore contrary to policy PM1 (b) of the adopted Local Development Plan 2014 which requires development to respect the wider landscape character of the area.
- 4 The development of the site would be contrary to policy RD4 (Affordable Housing). This requires the provision of affordable housing to be integrated with and indistinguishable from market housing. The applicant proposes to contribute to off-site provision of affordable housing elsewhere and no justification has been submitted as to why the provision of on-site affordable housing is not practical.

Justification

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

Informatives

None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

14/01308/1

14/01308/3

14/01308/4

14/01308/5

14/01308/6

14/01308/7

14/01308/10

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14/01308/17

14/01308/18

14/01308/19

Date of Report 07.10.2014



Pullar House 35 Kinnoull Street Perth PH1 5GD

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Email: onlineapps@pkc.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000093084-001

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

Type of Application

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

We strongly recommend that you refer to the help text before you complete this section.

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Full Planning Permission for the erection of seven dwellinghouses, formation of access road and associated infrastructure

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	Cockburn's Consulting
Ref. Number:	
First Name: *	Brent
Last Name: *	Quinn
Telephone Number: *	07708971120
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	cockburnsconsultants@gmail.com

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

Building Name:	
Building Number:	29
Address 1 (Street): *	Ryehill Terrace
Address 2:	
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH6 8EN

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Other
Other Title: *	Per Agent
First Name: *	Johnson Family
Last Name: *	Per Agent
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	Per Agent
Building Number:	
Address 1 (Street): *	Per Agent
Address 2:	
Town/City: *	Per Agent
Country: *	Per Agent
Postcode: *	Per Agent

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

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

Northing

699790

Easting

301581

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Clarification on applicable policies only.

Title:

Mr

Other title:

First Name:

Mark

Last Name:

Williamson

Correspondence Reference Number:

N/A

Date (dd/mm/yyyy):

05/06/14

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1.49

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Buildings Material Storage/Equestriation Use/Open Fallow Grassland

Access and Parking

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

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting 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 highlighting 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? *

5

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

18

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

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

- ☒ Yes – connecting to public drainage network
- ☐ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

Trees

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

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

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

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

See Supporting Statement

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

7

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

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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 accompanying application.

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

Signed: Brent Quinn

On behalf of: Per Agent Johnson Family Per Agent

Date: 22/07/2014

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement
LVIA Assessment/Statement

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Brent Quinn

Declaration Date: 22/07/2014

Submission Date: 22/07/2014

Payment Details

Cheque: A JOHNSON AND MRS A H JOHNSON, 002053

Created: 22/07/2014 14:39

Unless otherwise specified, the copyright of this drawing is reserved by Svensk Värmdöskommun Limited and is issued with the caveat that it is not copied or disseminated without the written consent of Svensk Värmdöskommun Limited.

Variables and modifications to parts within this drawing should be carried out in accordance with the instructions and drawings of the manufacturer. The manufacturer is responsible for making contact with any third party where this is necessary.

All units to comply in every respect with the current Swedish Building Standards (Byggnormer) (NBS) 2004.

All units to comply with the relevant Codes of Practice and Swedish Standards and Specifications (SIS) and to be constructed in accordance with the relevant standards and to the highest standards of craftsmanship by trained and qualified persons of the respective trades and in accordance with good building practice.

The contractor shall be responsible for making contact with the respective authority (Svea Länstingens Byggnadsnämnd, Box 100, SE-141 21 Nacka, Sweden) and the relevant authority (Svea Länstingens Miljöförvaltning, Box 100, SE-141 21 Nacka, Sweden) for any necessary permits.

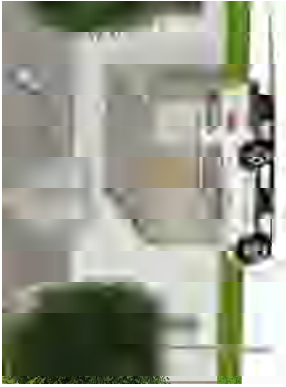
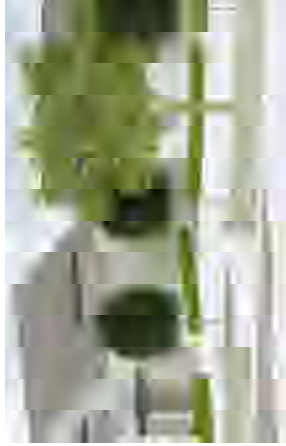
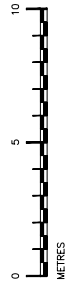
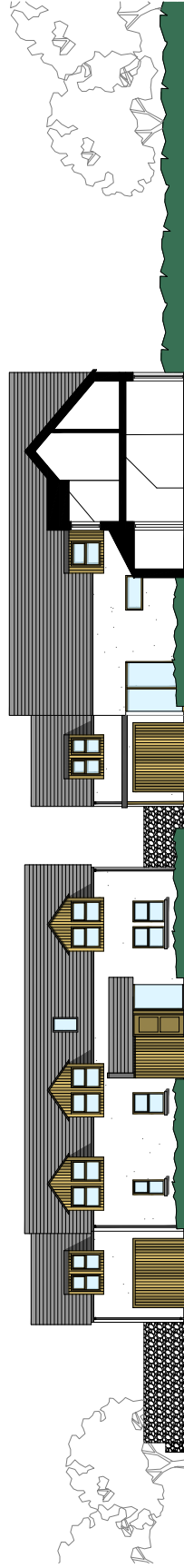
Contractor to ensure works is in accordance with the following guidance notes/regulations, and any other appropriate HSE documentation:

- HSG 100: Health and Safety in Construction;
- HSG 202: Managing 26m exposure risks at work;
- L21: Management of Health and Safety at Work Regulations;
- L22: Safe use of Work Equipment Regulations;
- L23: Design Construction and Installation of gas service pipes Regulations.

HEALTH AND SAFETY

THIS PROJECT IS UNDER THE CONSTRUCTION DESIGN AND MANAGEMENT REGULATIONS 2007 AND ALL MATTERS RELATING TO HEALTH AND SAFETY TO BE ISSUED TO THE CDM CO-ORDINATOR AND A COPY RECORDED IN THE HEALTH & SAFETY FILE LOCATED ON SITE AND KEPT BY THE MAIN CONTRACTOR.

THE DESIGN HAS IDENTIFIED THE FOLLOWING SPECIAL MEASURES:

[illegible]

Proposed Residential Development at Land South of Merryorchard, Rumbling Bridge

Landscape and Visual Matters

- 1.1 The following comments specifically relate to landscape and visual matters in response to the Development Plan Consultation comments, dated 20 August 2014.

Settlement Boundary Limit

- 1.2 The proposed development is located outwith the settlement limit as prescribed within the recently adopted Perth & Kinross Local Development Plan 2014. Whilst it is acknowledged that the application will be tested against *Policy PM4 Settlement Boundaries*, the appellant is contesting the line of the settlement limit and considers that the proposed site and adjacent grazing field should be located within the boundary limit. This reasoning comes from guidance contained within the SPP. Although the following relates to commentary on Green Belt boundaries, it is considered that the advice and guidance also relates to “countryside” and “settlement” boundaries. Paragraph 161 of the SPP states that *“inner boundaries should not be drawn too tightly around the urban edge, but where appropriate should create an area suitable for planned development between the existing settlement edge and Green Belt.....boundaries should be clearly identifiable on the ground, using strong visual or physical features such as rivers, tree belts, railway lines or main roads. Hedges and field enclosures will rarely provide a sufficiently robust boundary.”*
- 1.3 In this regard, it is considered that the extensive mature tree cover and river feature including the gorge and densely wooded steep sides which extend from south of the nursing home grounds to define the south-eastern and eastern periphery to the two grazing fields (the most westerly of which comprises the proposed site) and the woodland area which extends along the whole length of the minor road to the immediate north of the grazing fields, naturally form a strong, long term and defensible settlement boundary, as advocated within SPP.

David Tyldesley Landscape Capacity Study

- 1.4 It is the appellant's opinion that too much weight is given to the conclusions within the David Tyldesley report which was written nearly two decades ago. Much development has occurred since this "open field" was assessed. The report concluded that *"development of the open field in the village north of the nursing home would (be) inappropriate"* with the report identifying both *landscape constraints* and *development not being consistent with the settlement pattern*. In contrast, the LVIA submitted by the appellant concludes that the site has capacity for development without impacting on the integrity and character of this area of grazing and that the development is wholly consistent with and reflects the existing settlement pattern.
- 1.5 Since the publication of the David Tyldesley report, the settlement pattern within the northern part of Rumbling Bridge has significantly changed from dispersed properties within large grounds to low density housing with some large dwellings on the very northern periphery retaining the original dispersed settlement character. Much of this change in character is due to the recently constructed ribbon development along the western side of the A823, opposite the proposed site, which comprises four 5 bedroom single detached 'villas' with associated double garages which are located on elevated land with their main aspect overlooking the proposed site towards the wooded Devon gorge. Other single infill dwellings have also been built/under construction within the northern fringes of the village.
- 1.6 **The proposed building footprint is now effectively surrounded on three sides by built form and the proposed development reflects the emerging settlement pattern within the northern part of Rumbling Bridge.** Therefore the statement within the David Tyldesley Report where it suggests *"development not being consistent with the settlement pattern"* does not reflect the current environment within Rumbling Bridge.
- 1.7 Only a small portion of the overall grazing area is actually being proposed to be built upon with the grazing field to the east being left as grazing and the eastern sector of the proposed site given over to open space which effectively wraps around the proposed steading built forms. The new built forms have a strong relationship with the existing urban edge and will effectively "round off" the settlement edge. It is strongly contended that the proposals are **a minor and logical extension to the northern fringes of Rumbling Bridge**. Development actually **reinforces settlement strategy** on a site which is surrounded by development on three sides by **consolidating the edge to the built up area**.

Landscape Character

- 1.8 Due to the limited built footprint of the proposed development within the south-western part of the site which clearly relates to the existing urban fringes of the village, **the parkland character of this “open field” will be retained** whilst the removal of the various style of outbuildings which are in a varied condition and the area containing building materials in close proximity to the existing outbuildings within the northern part of the site will be a **beneficial change to the current ‘run down’ character of this part of the landholding.**
- 1.9 The proposed comprehensive site-wide planting strategy draws upon the characteristics of the immediate and wider context where existing woodland cover which defines the immediate context to the north and south will be augmented by a further layer of woodland and structure planting. Not only will this provide a framework and backdrop to the new development but through a long term management plan for the site will also **ensure the long term survival of this existing important landscape resource.**
- 1.10 The proposed development will also **facilitate long-term permeability** of the area through the creation of the large swathe of open space surrounding the proposed built forms which will include a path network and connect to the existing core path network along the River Devon and across the village and wider context.

Summary

- 1.11 In the medium and long term, it is considered that **the character of the area would be significantly enhanced** by this small scale steading development by:
- building upon the **site’s inherent key features** and **strong sense of place**;
 - **retaining the existing skyline** of the immediate context created by the new ribbon development adjacent to the A823 and the nursing home;
 - **drawing upon the characteristics** of the existing woodland structure and stone wall features across the village; and,
 - **completing the settlement pattern.**
- 1.12 For these reasons, it is strongly contended that the proposed development will not *“detract from the attractive rural character of the village”* (Reporter comments on the Examination Issue) but rather, will beneficially enhance the northern fringes of Rumbling Bridge and protect the remaining grazing area from future development.

Contractor to ensure works is in accordance with the following guidance noted regulations, and any other appropriate HSE documentation:

- HSG 190: Health and Safety in Construction;
- HSG 202: Managing Skin exposure risks at work;
- L21: Management of Health and Safety at work Regulations;
- L22: Safe use of Work Equipment Regulations;
- L23: Design Construction and Installation of gas service pipes Regulations.

THE DESIGN HAS HIGHLIGHTED THE FOLLOWING SPECIAL HAZARD:



C	SCALE BAR ADDED & TEXT ALTERED	06/08/14
B	TEXT ALTERED	26/07/14
A	BUILDINGS POSITIONS ALTERED	06/08/14

STATUS PLANNING

drawing 14012 - P02C scale A1 @ 500

	plotted	ref. no
STEADING DEVELOPMENT RUMBLINGBRIDGE KINROSS PERTHSHIRE		

SITE PLAN



**The Station Master's Office,
Dalmeny Station,
South Queensferry, EH30 9JP
Tel: 0131 319 1260 Email: info@scs.co.uk
Website: www.scs.co.uk**







VIEWPOINT 1: Local view taken from the A823 in close proximity to the northern edge of the village, looking south towards the woodland which effectively defines the north-western boundary to the site. The woodland is defined by a low stone wall and partly by a beech hedge which continues along the A823 road corridor to define the western boundary to the site. Stone walls and beech hedges are a common garden boundary feature within the local area. A recently constructed large detached dwelling is visible on the left of this view located within mature grounds.



VIEWPOINT 2: Local view taken from a minor road in close proximity to the entrance to the core path network along the River Devon. Mature woodland on both sides of the rural road aid in channelling local views towards a small section of the proposed site and the adjacent grazing field. A few of the newly built large detached dwellings are visible at a slightly higher elevation beyond the landholding.



LAND TO THE EAST OF THE A823,
RUMBLING BRIDGE

figure 2

photographic viewpoints 1 & 2

date: may 2014



PROPOSED SITE

VIEWPOINT 3: Local view taken from near to the north-eastern corner of the site. Several key features across the landholing are visible in this viewpoint including the relatively high mound within the eastern sector which restricts views towards the western sector of the site for receptors travelling along this local road. The overhead line which traverses the central sector of the site is visible as it extends across the adjacent grazing field on an E-W axis as well as extending on a N-S axis across the road and beyond across the improved pasture fields to the north of the village. The mature wooded banks of the River Devon valley define the southern boundary to the landholding and combine with other mature tree groups within the immediate context and the local landform to create a distinct visual cell with a strong sense of place. The landholding is further defined by built form on three sides which reinforces the sense of enclosure to the site as well as its strong relationship with the urban fringes of the village.



PROPOSED SITE

VIEWPOINT 4: Local view taken from the A823 opposite the entrance to the nursing home, looking towards the southern and western boundaries to the site. As illustrated, the site boundaries and immediate context to the site are well-defined by mature woodlands, a high beech hedge and large built forms including the recently constructed dwellings and the large building footprint of the nursing home. As part of the recently constructed housing development comprising large detached villas, a stone wall and remote footpath have been introduced which link to the wider core path network beyond Rumbling Bridge to the west. It is proposed to introduce a pedestrian path across the site which will link to and extend the core path network within the area thereby allowing more permeability to the River Devon gorge. New development will be designed to address the street scene at this location and whilst the new built forms will be partly visible, through the retention and enhancement of the beech hedge with specimen trees, views will be softened and framed. Importantly, careful site planning will ensure the existing skyline created by the large villas to the left of the view will be preserved with the exception of a 3 storey tower within the north-western sector of the site which will act as a reference point on approaching and travelling through Rumbling Bridge.

LAND TO THE EAST OF THE A823,
RUMBLING BRIDGE

figure 3

photographic viewpoints

3 & 4

date: may 2014



VIEWPOINT 5: Middle distant view taken from the A823 within the wider context to the north-west of Rumbling Bridge. The proposed site is not visible due to the large amount of tree cover within garden grounds and along the road network on the fringes of Rumbling Bridge.



VIEWPOINT 6: Middle distant view taken from the core path along the A977 on the southern edge of the settlement limit to Rumbling Bridge. This photograph illustrates how Rumbling Bridge is nestled within the River Devon valley at the base of the foothills to the Ochil Hills which provide a dramatic backdrop. The well-wooded River Devon valley is clearly visible dissecting the village into two distinct sectors. The proposed development site is located within the northern sector of Rumbling Bridge and is not visible from the A977 or from within the southern sector of the village.

LAND TO THE EAST OF THE A823,
RUMBLING BRIDGE

figure 4

photographic viewpoints 5 & 6

date: may 2014

DESIGN AND ACCESS STATEMENT

ERECTION OF 7 DWELLING HOUSES, FORMATION OF NEW ACCESS ROAD AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE EAST OF THE A823, RUMBLING BRIDGE

INTRODUCTION:

The following Design statement is based on adopted Perth and Kinross Development Plan 2014 countryside policies and the Council's Housing in the Countryside Guide November 2012 related to design and development in the countryside.

The site lies on in the centre of the village of Rumbling bridge and is surround with development to the south is a nursing home and to the west are large villas The proposed site adjacent to the A823 and is 9 mins by car to the centre of Dollar with access to amenities such as shops and direct transport links to Stirling 30minutes away.

The area is currently being used for grazing and there are a number of stable and storage buildings on the site, these have been established for a number of years.

USE:

The development consists of the erection of 7 dwellings in the formation of a main farm house and a steading courtyard formation. These units are 7 no. 4 bed dwellings.

This development is aimed at families with home working ambitions, looking for a small community surrounded by countryside and small villages but within a reasonable distance of larger towns for amenities, travel connections and education.

The existing land is a paddock and due to its size is not viable for the rearing of stock it can only sustain a limited number of animals which require additional feed which is delivered to the site, the solution is to retain the area and culture surrounding the land and to redevelop the site into a small residential community. To increase the potential of the unused land by creating an open space linking the public pathway from the A823 to the walkway to the falls to the west of the site.

Our proposals will remove all current buildings and replace them with a steading style build to compliment and respect the area, include a full landscape proposal to complement the site and allow the buildings to sit in the existing landscape and retain the remaining area for public use.

Consideration has gone into energy sources and how the land could be reused to produce a more ecological solution. Ground Source Heat Pumps is an ideal energy source for communal supply and the adjacent open space can be used for this source. A similar approach to GSHP would be sought after with a grey water scheme which would collect rainwater from the building roofs and be re-used to flush toilets and used in washing machines and dish washers.

DESIGN AND ACCESS STATEMENT

ERECTION OF 7 DWELLING HOUSES, FORMATION OF NEW ACCESS ROAD AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE EAST OF THE A823, RUMBLING BRIDGE

AMOUNT:

The proposal is a modest development to create the best use for the site. This would create 7 no. residential units within the site. This suitably addresses the reference to infill sites where consideration has been given to the low density and amount of dwellings achievable. The traditional pattern of scale, proportion and density has been respected.

The gross internal areas of the dwellings range from 206m² to 246m² with the main house at 354m². They are generally two storey units with featured areas to emulate the development a farm steading's structured progress over the decades.

Site restrictions ensure that the levels of the land need to be considered in the placement of the new build in relation to the surrounding landscape, but the natural contours allow the group of houses to site into the site looking up to the surrounding landscape.

Each dwelling will have 2-3 parking spaces and will be allocated garden space both to the front and rear of the dwelling creating an open yet secure community feel. The community will consist of 20-30 people based on the 7 units created.

The surrounding open space will also offer space to produce a range of activities for the occupants of the dwellings.

LAYOUT:

The layout of the steading buildings has influenced the final design decision to create a rural style for the buildings. Originally it was thought that new individual houses could sub divide the land for more private detached dwellings but it was felt that this did not retain the character of the area and existing surrounds, in particular the original dwellings in the village. It was therefore more in keeping with the existing if a long narrow steading style building was split into a courtyard of 6 units. And the traditional layout of a farmhouse at the entrance to the development.

The layout allows all buildings to be accessed from the unclassified to the north of the site giving clear sightlines and adequate visibility splays both east and west at this junction. Also allowing the forms of the building to sit in a secluded area of the site albeit adjacent to the main A823 the access driveway creates an open public area and this allows the rear garden areas to be enclosed and private to each property.

The decision on the layout was the best solution for the building to fit in with the character of its surrounding, accommodating the infill site by linking the village from the north and south and create a space that would allow good access, privacy but also linking the community with new footpaths and a public open space.

DESIGN AND ACCESS STATEMENT

ERECTION OF 7 DWELLING HOUSES, FORMATION OF NEW ACCESS ROAD AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE EAST OF THE A823, RUMBLING BRIDGE

SCALE:

The buildings will be a mixture of , one and a half storey and two storey dwellings. In keeping with an existing form throughout, to maximize floor space yet keep the proportions similar to an existing steadings form. The steadings are design to create a generational form as these types of buildings grew with changes in technology and requirement to farm the land.

The buildings will be average sized residential properties but will match the size and proportions of a refurbishment should these buildings have been existing buildings.

LANDSCAPE:

The site will be landscaped in such a way to comply with SPP PAN 72 & PAN68 and to allow each new dwelling to have a front and rear space designated to their property. Trees and shrubs will be planted around the outskirts of the site to tie into the existing beech hedge to the west of the site this will allow privacy from the surrounding paddocks and main road.

Areas within the site will be designated to either the dwellings or will be used as public open space which will be communally maintained.

There will be a combination of hard and soft landscaping, with paths leading up to each individual dwelling front door from the parking spaces as this site will be predominately accessed by vehicles.

The road access to the site will embrace the farm setting, there will be no direct pedestrian access from the main road as the dwellings will be prominently vehicle accessible from the road to the north therefore a two way access road will be allowed for.

DESIGN AND ACCESS STATEMENT

ERECTION OF 7 DWELLING HOUSES, FORMATION OF NEW ACCESS ROAD AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE EAST OF THE A823, RUMBLING BRIDGE

APPEARANCE:

The proposals are designed in such a way as to create a small community in a secluded area, private with surrounding views and open space around. The decision to go with a steading courtyard style has emphasised the traditional feel and allows the site to have continuity and blend the proposal together.

Traditional materials of slate, clay pantiles, render, stone and western red cedar will give the area a sharp look which keeps it simple and bright. The Farmhouse is of contemporary style but still in proportions of a traditional farmhouse.

Housing Land Supply Discussion

In Support of Proposed Erection of Seven
Dwellinghouses, Formation of a new access and
associated infrastructure at land to north of Nursing
Home and East of the A823, Rumblingbridge,
Perthshire



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July 2014
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Executive Summary

The Johnson family are seeking detailed Planning Permission for a site in their ownership at Rumbling Bridge for 7 new homes.

Cockburn's Consultants has looked at a broad picture of housing land supply within the Perth & Kinross Housing Market Area (HMA), to evaluate whether a housing land shortfall is evident. This document should be read in conjunction with the Planning Statement, Landscape & Visual Appraisal and Design & Access Statement and all also submitted with this planning application.

This Report specifically assesses whether the development strategy at Perth & Kinross complies with the approved Development Plan and Scottish Planning Policy (SPP), namely:

1. Has/Will the development strategy meet the housing land requirement in full?
2. Has/Will the development strategy maintained a minimum of 5 year land supply at all times?

Based on the analysis in this Report, it is evident that the approved development strategy across the Perth & Kinross HMA is under performing and will not meet the housing land requirement to 2024.

It is concluded that in accord with the approved Development Plan and SPP, the housing land requirement in Perth & Kinross is not being met in full nor is a 5 year land supply being maintained at all times. Further land releases need to be supported through the development management process.

Approval of the site at Rumbling Bridge will make a modest, yet important contribution to assist the Council in achieving its policy objectives both in terms of its adopted Local Development Plan and in accord with the approved Strategic Plan. This Assessment supports the case for the approval of the detailed planning application for the site at Rumbling Bridge.

1. Policy Context

Both Scottish Government Policy and the approved Development Plan support the release of additional sites to assist the Council maintain a 5 year land supply at all times.

The following Chapter sets out the Policy Framework to assess whether further the site at rumbling Bridge as a windfall site should be released for development in order to make a contribution towards addressing a housing land shortfall.

Approved Strategic Development Plan (TAYplan, 2012)

The Strategic Development Areas Policy (Policy 4 in TAYplan) stipulates a housing land requirement for Perth & Kinross (including Oudenarde) of some 5,200 homes from 2012 to 2024 (a 14 year period) or some 350 units per year. However, it goes on to state that to meet expected population growth increases, then an average of some additional 510 houses per annum are required to be completed in the Perth & Kinross Council area. This, combined with the effective supply at the time of adoption, equates to a requirement of 7,240 homes to be delivered through the LDP or some 1,061 units per annum in total.

The approved TAYplan Policy 5: Housing states:

Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 years effective land supply at all times, and work towards the provision of a 7 years supply of effective housing land by 2015, to support economic growth. Land should be allocated within each Housing Market Area (Proposal 2) through Local Development Plans to provide an effective and generous supply of land to assist in the delivery of in the order of 26,000 units up to year 2024 across TAYplan. Average annual build rates are illustrated. In the period 2024 to 2032 in the order of 17,400 units*

Proposal 2 – average annual housing market area build rates may be required. To assist the delivery of these build rates, Local Development Plans shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.

- in serious cases of appropriately evidenced environmental or infrastructure capacity constraints, provide for up to 10% of the housing provision for one market area to be shared between one or more neighbouring housing market areas within the same authority taking account of meeting needs in that housing market area.*

- ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.*

This Policy further requires that each of the Councils maintain 5 year effective land supply at all times. Steps to augment the land supply should be taken by bringing forward additional land if Perth & Kinross' contribution to the effective 5 year land supply falls significantly below the requirement.

Adopted Local Development Plan (Perth & Kinross LDP, 2014)

It is a statutory requirement of the adopted Perth & Kinross Local Development Plan (2014) to maintain a 5 year land supply all times. The spatial strategy of the Local Development Plan must be consistent with that of the TAYplan. The TAYplan strategy focuses on locating the majority of new development within Principal Settlements and adopts a 3 tier hierarchical approach as set out in the TAYplan Tier Settlements diagram.

The LDP has used the Housing Land Audit 2011 to calculate an effective 5 year housing land supply. This was stipulated as equating to some 2,990 units. However, the HLA 2013 states an effective 5 year supply of only 2,365 across the Council area (see table 1, below). Thus, since adoption only this year, the LDP (and the realistic, effective supply) is already short by some 625 units across the Council area.

PERTH AND KINROSS COUNCIL				SUPPLY SUMMARY									
AREA	established supply	effective supply	5 year effective	7 year programming (2013 to 2020)								2020 -25	2025
				13-14	14-15	15-16	16-17	17-18	18-19	19-20			
DUNDEE HOUSING MARKET	91	91	35		7	12	16	9	12		35		
TOTAL	91	91	35		7	12	16	9	12		35		
ALYTH	172	172	57		7	16	16	16	17	22	76		
BLAIRGOWRIE	909	896	244	56	51	39	40	56	60	62	360	170	
COUPAR ANGUS	199	199	53	4	5	9	15	20	33	28	85		
STRATHMORE AREA LANDWARD	402	332	121	3	10	24	43	41	29	16	100	66	
TOTAL	1682	1599	475	63	73	88	114	137	139	128	621	236	
ABERFELDY	332	332	95		15	16	27	37	41	36	160		
HIGHLAND AREA LANDWARD	226	186	144	11	6	34	42	51	22	12	8		
PITLOCHRY	201	201	71	25	6	6	12	22	20	20	90		
TOTAL	759	719	310	36	27	56	81	110	83	68	258		
KINROSS	524	518	226	26	12	59	77	54	50	50	150	40	
KINROSS AREA LANDWARD	373	373	165	22	12	31	44	56	56	38	114		
MILNATHORT	182	172	21			2	7	12	36	35	80		
TOTAL	1079	1063	414	48	24	92	128	122	142	123	344	40	
PERTH AREA LANDWARD	4377	4303	1093	113	136	208	308	326	318	281	1604	1007	
PERTH CITY	8901	7813	564	29	58	81	168	228	304	288	1422	5235	
TOTAL	13278	12116	1657	142	196	289	476	554	622	569	3026	6242	
AUCHTERARDER	902	902	233	37	43	59	45	49	51	50	375	193	
CRIEFF	612	612	196	28	14	34	55	65	60	54	127	175	
STRATHEARN AREA LANDWARD	369	369	226	14	20	40	63	89	68	45	30		
TOTAL	1883	1883	655	79	77	133	163	203	179	149	532	368	
PERTH and KINROSS TOTAL	18772	17471	3546	368	397	665	974	1142	1174	1049	4815	6886	
ADJUSTED TOTAL (see note below)			2365	368	397	500	550	550	550	550	3000		

Table 1: Actual Housing Land Supply (HMA 2013)

Scottish Planning Policy (SPP) (paragraph 72), requires LDPs (or Local Plans) to deliver a generous land supply of effective housing sites to meet the housing land requirement. SPP, paragraph 72, requiresa minimum of 5 years effective land supply at all times.

This is further emphasised in paragraph 75 which requires planning authorities to maintain a 5 year supply of effective land at all times ... to ensure a continuing generous supply of land for house building. Further, if a housing land audit or development plan action programme indicates that a 5 year effective land supply is not being maintained ...development plans should identify triggers for the release of future phases of effective sites.

Conclusion

The preferred approach for the release of additional housing land by the Council is through the development plan process. However, where it is demonstrated that a 5 year effective land supply is not being maintained at all times, there is the policy mechanism available in the approved Structure Plan to address any shortage in the effective land supply through the development management process. This is supported by SPP.

The issue is to determine whether Perth & Kinross Council has maintained a 5 year housing land supply at all times in accord with the approved TAYplan.

2. Identifying the Effective Housing Land Supply

Introduction

The approved TAYplan is based on the housing land supply as set out in Table 3.1 Sources of Housing Land by Council Area (excluding new allocations). This guides the future estimate of effective housing land supply to help assess its housing land shortfall and therefore the scale of proposed land releases in each Council.

The most up to date housing land audit is now Housing Land Audit (HLA) 2013 which has been adopted for this assessment.

Housing Land Supply

PAN 2/2010 sets out guidance on the sources of effective housing land supply to be considered when meeting the identified housing land requirements.

Cockburn's Consultants have assessed the effective housing land supply based on the HLA 2013. This assessment is based on the approved TAYplan period for 2012 to 2024.

Therefore, according the Councils' estimated base supply as set out in HLA 2013, TAYplan has an effective housing land supply capable of delivering 26,040 homes from 2012 to 2024, with Perth & Kinross Council providing some 7,250 of those homes.

Strategic Land and LDP Allocations

As part of the approved Local Development Plan, the following strategic (100 units or more) locations were identified as part of the approved development strategy:

- Oudenarde
- Almond Valley Village
- Bertha Park
- Bridge of Earn
- Luncarty
- Combined Perth Sites
- Scone
- Stanley

Overall, only 4,215 units have actually been allocated in the LDP to provide new homes from 2012 to 2024. This is against a requirement to allocate some 7,250 units, which represents a shortfall in strategy of some 3,125 units.

This analysis confirms that the approved development strategy in the LDP is already failing to meet the strategic housing requirement in Perth & Kinross as set out in TAYplan.

The housing land requirement for the Perth LDP over the course of 2012 to 2024 for the Perth & Kinross Council and each of the four constituent Councils is identified in *Policy 4: Strategic Development Areas* and *Policy 5: Housing*. Overall, this equates to some 26,000 units with an additional 17,400 units from 2024 to 2032. From 2012 to 2024 this represents a build rate of some 2,170 per annum.

The effective housing land supply, as illustrated in the combined Housing Land Audits across the constituent Councils from 2012 to 2014. This is an average supply per annum of only 1,000 units whilst the requirement is for 2,170 units. This then represents a shortfall of some 1,170 units per annum.

House completions in Kinross Landward Area

The Kinross & Kinross Landward Housing Market Area (HMA) has suffered from very few completions over the last 10 years. It has averaged less than 70 units per annum. See plan below.

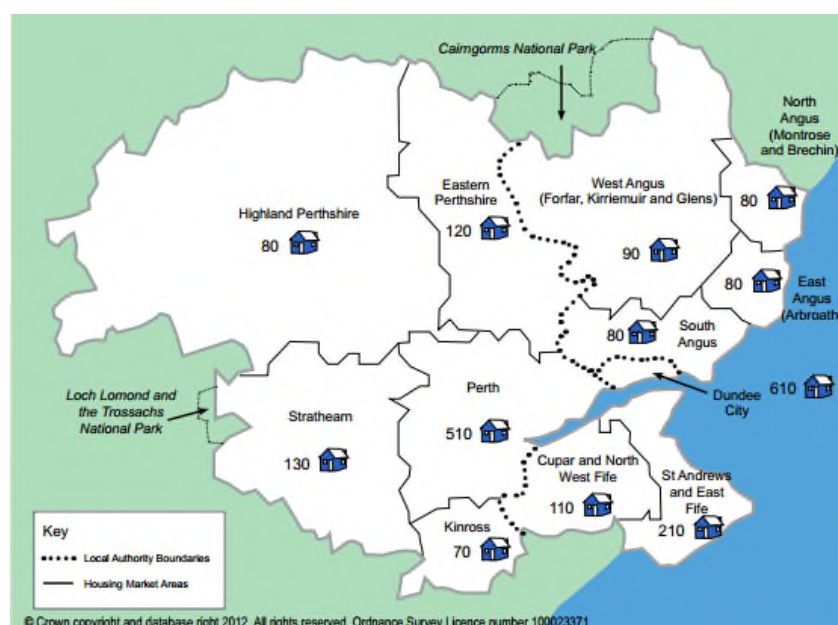


Figure 1: TAYplan Area Average Housing Land Completions

At the point of adoption of the Local Development Plan, the Kinross & Kinross Landward Areas are expected to deliver 880 units by end of the TAYplan period (2024). 400 new homes are expected between 2010 and 2015, based on the effective supply stipulated in HLA2011. This would require a build rate of 80 units per annum. However, looking at actual completions between 1995 and 2012, the average build rate is only 61 units per annum. HLA2013 states that the effective supply is 414 units, but only 43 completions have actually taken place since 2011, or 14 units per annum on average. In order to stimulate this stagnated housing market, more housing land requires to be released.

Conclusion

Perth & Kinross HMA and Perth Kinross Council is failing to meeting its meeting housing requirement in full and maintaining a 5 year housing land supply at all times.

It is evident that there has been a systemic failure in the approved development strategy for Perth & Kinross. The Council has failed to meet its housing land requirement and failed to address under performance through its on policy requirements.

3. Identifying the Housing Land Shortfall

Introduction

The approved TAYplan has identified a housing land requirement for the Plan area of 26,040 new homes from 2012 to 2024 (a 12 year period) or 2,170 homes per annum. The Perth & Kinross HMA has a housing land requirement of 7,250 homes over the Structure Plan period or 1,061 homes per annum.

SPP, paragraph 74, states that ‘... planning authorities should ensure that sufficient land is available to meet the housing requirement for each housing market area in full, unless there are serious local environmental or infrastructure constraints which cannot be resolved to allow development within the life of the plan.’

Housing Land Shortfall

The foregoing analysis confirms that there is a housing land shortfall of 3,125 homes for the regional HMA.

This substantially increased scale of housing land shortfall arises because of the failure in the strategic development strategy arising from the delivery of the Strategic Land Allocations across the Lothians HMA.

The conclusion reached is that the Council's development strategy will now consistently underperforming year on year and will not address the growing housing land shortfall across Perth & Kinross. It is therefore inevitable that the backlog in housing need and demand will continue to grow.

Given the minimum lead-in period of 3 years for the adoption of a new Local Development Plan, and the emerging SDP, the best reasonable option available to the Council in the short term is to add its housing land supply through the development management process.

As such, whilst it is small in scale, the site at Rumbling Bridge, as it accords with other development plan policies as outlined in the accompanying Planning Statement, should be approved to assist the Council meet its housing land requirement in accord with SPP and the approved Strategic Development Plan.

4. Maintaining a 5 Year Land Supply at All Times

Maintaining a 5 Year Land Supply at All Times

As discussed in Chapter 1, a policy mechanism to release sites through development management is supported by SPP.

Chapter 3 has identified that there is a significant housing land shortfall against TAYplan's housing requirement at the Perth & Kinross HMA level.

SPP, paragraph 72, requires LDPs to deliver a generous land supply of effective housing sites to meet the housing land requirement. SPP, paragraph 72, requiresa minimum of 5 years effective land supply at all times.

This is further emphasised in paragraph 75 which requires planning authorities to 'maintain a 5 year supply of effective land at all times ... to ensure a continuing generous supply of land for house building. Further, if a housing land audit or development plan action programme indicates that a 5 year effective land supply is not being maintained ...development plans should identify triggers for the release of future phases of effective sites.'

Perth & Kinross Council has failed to contribute an effective land supply to meet its 5 year land requirement together with TAYplan maintaining a 5 year housing land shortfall.

5. Conclusion

The conclusion reached is that the Council's development strategy will not address the growing housing land shortfall across Perth & Kinross. It is inevitable that the backlog in housing need and demand will continue to grow.

Given the minimum lead-in period of 3 years for the adoption of a new Local Development Plan, and the emerging SDP, the best reasonable option available to the Council in the short term is to add its housing land supply through the development management process.

Perth & Kinross Council has failed to contribute an effective land supply to meet its 5 year land requirement together with TAYplan maintaining a 5 year housing land shortfall.

As a windfall site to assist in addressing this shortfall, on account of the provisions outlined in the Planning Statement also submitted in support of this planning application, the site at Rumbling Bridge should be considered for approval. Whilst it is relatively small in scale, the site at Rumbling Bridge, as it accords with other development plan policies as outlined in the accompanying Planning Statement, should be approved to assist the Council meet its housing land requirement in accord with SPP and the approved Strategic Development Plan.

4 LANDSCAPE AND VISUAL APPRAISAL

4.1 Introduction

4.1.1 The purpose of this section of the Statement is to describe the existing environment and to appraise the predicted impacts of development in terms of its effect on the physical structure and aesthetic character and the impacts on the visual amenity of those experiencing views of the proposed site. This section of the statement also addresses landscape policy matters.

4.1.2 In turn, this will inform the landscape capacity of the site and provide the basis upon which a site layout can be developed taking into account the landscape character and visual amenity of the site and integration with adjacent land uses and the wider context.

4.1.3 The methodology comprised an initial desktop study of Ordnance Survey (OS) maps and planning documents including core paths, a site survey in March 2014 to ground-truth desk top findings, followed by an assessment of potential landscape and visual impacts.

4.1.4 The area of study corresponds broadly to the Zone of Theoretical Visibility (ZTV) of the proposed development which has been established following a desk top study and a site visit. Landscape and visual amenity outside this zone will remain unaffected by the proposed development. Figure 1 Landscape & Policy Context, illustrates the local landscape context to the site and its relationship with other adjoining uses and the wider landscape and planning context.

4.1.5 The appraisal has been undertaken in line with guidance contained in the *Guidelines for Landscape and Visual Impact Assessment* published by the Institute of Environmental Management and Assessment in association with The Landscape Institute (3rd edition). The key objectives of the appraisal were to:

- identify significant landscape features that may be affected by the development;
- identify key viewpoints and viewers likely to be affected by the development;
- identify significant impacts on the landscape and visual amenity; and,
- identify measures to mitigate these impacts.

4.1.6 Landscape and visual impacts may potentially result from the following:

- visibility of items associated with the development during the construction phase;
- loss of existing landscape features or the introduction of new features; and,
- the presence of permanent structures and lighting on completion of the development.

4.2 Site Context

Location

- 4.2.1 The proposed site is located on the north-eastern fringes of the small village, Rumbling Bridge, adjacent to, but outwith, the settlement boundary (as recently re-defined in the Perth and Kinross Local Development Plan, adopted 2014). Rumbling Bridge is located approximately 10km to the west-south-west of Kinross nestling under the Ochil Hills which provide a dramatic backdrop to the north and in very close proximity to the south- east of the Clackmannanshire administrative boundary. The village is strategically well connected with built form straddling the A823 corridor (which defines the western boundary to the site) and lying to the south of the junction with the A977, with links to Crook of Devon to the east and Powmill to the south. The steep incised wooded valley of the River Devon which forms a gorge as it meanders in a narrow channel dissects the village into two distinct northern and southern areas. The proposed site is located within the northern part of the village where much development has occurred over the last 20 years.

Site Description

- 4.2.2 The proposed site comprises the western field of a broadly triangular area of pasture which is currently used for horse grazing with built form surrounding the field on three sides. The well-maintained grounds of a nursing home provide the immediate context to the south with the River Devon gorge and its well wooded corridor just beyond the nursing home and extending northwards to define the south-eastern boundary to the site and the adjacent grazing field. The western and northern boundaries are more enclosed in nature with a high, well maintained beech hedge and the A823 defining the site to the west and a post and rail metal fence and a rural unclassified road defining the site and adjacent field to the north. A small, unmanaged woodland and a low stone wall form key landscape features adjacent to the north-western corner of the landholding and separate the grazing field from the junction of the minor road and the A823.
- 4.2.3 Large dwellings located within well wooded grounds are located on the far side of the rural road opposite the site and also extend along both sides of the A823 further to the north. These dwellings and the parkland grounds of Muckhart Golf Course define the northern edge to the settlement of Rumbling Bridge
- 4.2.4 Beyond this, a mix of improved pastoral and some arable fields occasionally interrupted by small woodland belts and scattered built form stretch towards the foot of the Ochil Hills. Similarly, further to the east and beyond the River Devon corridor, the landscape comprises an agricultural setting with the small hamlet of Lendrick Muir nestled within a wooded area and the village of Crook of Devon beyond.

- 4.2.5 To the south of the River Devon gorge lays the southern part of Rumbling Bridge and the historic core of the village. A caravan park is located on the south-eastern fringes with the elevated corridor of the A977 defining the southern edge of the village.

Topography/landform

- 4.2.6 The village predominantly lies at approximately 140m AOD, with the 'rumbling' gorge water level on average some 25m below. The landform across the site and adjoining grazing field is varied with an interplay of shallow hillocks and hollows foreshortening views and adding to the sense of enclosure experienced. The landform within the western part of the landholding essentially forms a shallow basin lying several metres below the A823 corridor. The low-lying nature of the western sector is further accentuated by the large newly built dwellings on the western side of the A823 which are elevated a few metres above the road corridor and effectively frame the site to the west.
- 4.2.7 The landform begins to rise within the eastern sector to form a small drumlin and then continues to strongly undulate across the adjacent grazing field towards the wooded River Devon corridor.
- 4.2.8 Further to the north, east and west of the village the rolling landform of the improved pasture fields, occasionally interrupted with scattered built form within well-vegetated large garden grounds, rises to a local ridgeline. When combined with the rising agricultural land to the south, the wider setting to Rumbling Bridge is effectively framed by an elevated agricultural setting which is punctuated by numerous small woodlands and shelterbelts at the foot of the Ochil Hills.

Site features

- 4.2.9 The small unmanaged woodland adjacent to the north-western sector of the site and the mature, tall beech hedge effectively enclose the western and north-western fringes of the landholding. The mature, well-wooded valley sides of the River Devon extend to the east and west of the site to merge with other important tree belts and woodlands along the rural road network defining the western and southern boundaries and with the well-vegetated garden grounds of the nursing home and large single dwellings on the fringes of the village. These woodland features combine with the local topography to form a very strong sense of enclosure to the site and its immediate environs and provide an immediate level of maturity and sense of place to the landholding.
- 4.2.10 A 33kv overhead line traverses the centre of the site on an east-west axis and intersects with another 33kv overhead line traversing on a north-south axis in close proximity to the post and wire fence demarcating the eastern boundary. Whilst these overhead man-made structures are a clearly visible feature for receptors travelling along the minor road to the north, due to the woodland setting surrounding the grazing fields which contain a number of mature ornamental pinus species, the man-made structures do not dominate the focus nor detract from the parkland character of the site.

- 4.2.11 Within the immediate and wider context to the proposed site, stone walls and stone gate piers demarcating the road network and gateways into the wooded grounds of properties within the village are a common feature and further add to the strong sense of place evident across Rumbling Bridge.

4.3 Landscape Designations

- 4.3.1 The proposed site currently is open countryside within the adopted Perth and Kinross Local Development Plan 2014. It is considered that a measured expansion into a very small part of 'open countryside' would not prejudice the overall purpose or integrity of the policy, primarily on account of the site's direct relationship with the north-western urban fringes of Rumbling Bridge where built form frames the site on three sides and extends further north and east beyond the site to form the settlement limit to the village.
- 4.3.2 Overall, the proposals will result in the loss of only an extremely small proportion of pasture land and in the context of the wider agricultural landscape which mainly comprises improved pasture fields there will be no detrimental impact on the character or visual amenity of the wider open countryside. Indeed, the site will benefit from an enhanced sense of structure which will be seen to set the context to a high quality development within a parkland setting. Ultimately, it is considered that the proposals will be seen to strengthen and reinforce the urban-rural interface at this location by consolidating the edge to the built-up area.
- 4.3.3 Although primarily relating to green belt boundaries, paragraph 162 of the SPP could also apply to settlement boundaries where the SPP states that *'inner boundaries should not be drawn too tightly around the urban edge, but where appropriate should create an area suitable for planned development between the existing settlement edge'* and the countryside boundary. The SPP continues that *'hedges and field enclosures will rarely provide a sufficiently robust boundary'* but rather *'the use of strong, visual physical landscape features such as rivers, tree belts, railways or main roads'* should be used to provide long term boundaries to settlements.
- 4.3.4 The section of the River Devon corridor located within the defined settlement limit of Rumbling Bridge is designated as Open Space. Although the river corridor extends along the south-eastern boundary to the site and wraps around the adjacent grazing field, this part of the river corridor is not allocated as open space. As such, the landholding is wholly excluded from this designation and physically separated by the large built form and maintained grounds of the nursing home. Nevertheless, it is considered that the development proposals, which will include the application of a site-wide comprehensive landscape strategy including new areas of woodland planting and large swathes of meadow and amenity grass as well as the introduction of a path network which will connect to the existing core path network along the River Devon, will allow long-term permeability of this area and open up and extend this important 'open space' designation for use of the future residents and the wider community.

- 4.3.5 Therefore, not only will the application of a high quality detailed design strategy on this site be beneficial to the connectivity across the village but it will also be seen to positively reinforce the landscape structure, thereby contributing to the nature conservation value, the quality of the local landscape resource and the overall integrity of the area.

4.4 Potential for a Small-Scale Housing Development

- 4.4.1 In order to appraise impacts on landscape resource, character and visual amenity of the site, this section describes the proposals as prescribed in the 'Site Layout'. As the detailed site layout illustrates, the land to the east of the A823 has the potential to accommodate a distinctive living environment in keeping with the existing historic character of Rumbling Bridge.
- 4.4.2 It is considered that the context of the more traditional townscape, large dwellings within well-wooded grounds, the network of woodland belts, beech hedges and lengths of stone walls which surround the landholding, offer many characteristic features that can be drawn into the master planning of the site. The immediate context to the site exhibits a strong sense of place and the mature woodland vegetation along parts of the northern and southern boundaries and the high beech hedge along the western boundary provide an immediate sense of maturity and structure. Through the introduction of such features from the surrounding area a high quality development can be realised which will have a distinctive character that 'fits' into the existing settlement pattern whilst relating to the historic past inherent in the area.
- 4.4.3 The urban fringe location of the proposed site also provides an opportunity to create a unique development with a strong sense of arrival into Rumbling Bridge from the north and east. It is proposed to introduce a low density, steading-type development based around a landscaped courtyard and set within a large area of 'green' space which will effectively wrap around the new built forms. Dual aspect 2-storey dwellings will enable an outward looking development which will not only relate positively to the urban/rural fringe to the east but also will be orientated to address the street scene along the A823. The 'green' frontage to the west of the development in the form of private garden space will extend to the east of the built form and courtyard to create a new community park. This will enable all dwellings to be set within large garden plots whilst overlooking swathes of open space to the south-east and east and framed by the existing woodland structure. The park will be the subject of an advanced 'native' species based planting strategy and become a hub of passive recreation overlooked by residents.
- 4.4.4 This parkland setting to the new development will merge with the grazing field immediately to the east and collectively form a landscape wedge. This will ensure that the proposed development effectively 'rounds off' the urban edge to Rumbling Bridge whilst protecting the village setting from the possibility of any future development.
- 4.4.5 The site is located in close proximity to an important recreational, landscape and biodiversity resource in the form of the River Devon gorge. An existing core path network along both sides of

the river corridor enables easy access for residents and visitors. It is considered that development of the site will provide excellent opportunities to introduce a new pedestrian network which will provide direct links to the amenity open space laid out across the development as well as connecting with the wider core path network within and around the River Devon corridor.

- 4.4.6 To reinforce the historic townscape and character of the traditional core of the village and in addition to the distinctly formal layout of the new built forms based around a courtyard concept, a 'gate lodge' building will be introduced near to the new vehicular access into the site which will be taken from the minor road along the northern boundary. The gate lodge will be set within a large garden plot against the backdrop of the existing woodland and will reflect the existing settlement pattern within the immediate context to the north. The new gate lodge will be stepped back from the access road which will continue southwards into the centre of the site to provide access to the courtyard development. It is proposed to enhance the access with gateway features including stone walls, gate piers, beech hedging and semi-mature specimen trees and will extend into the site linking the different building groups together.
- 4.4.7 In addition, a 3-storey tower is proposed on the north-western elevation to the main building group which will add to the townscape for receptors travelling on the approach to and from Rumbling Bridge along the A823 and act as a reference point within the wider context.
- 4.4.8 An important pre-requisite of the detailed site planning exercise is the need for the development to reflect the unique character of the setting. This has been achieved by acknowledging the site's inherent constraints and opportunities and building upon the important features to enable a new development to be realised that will effectively be moulded into the landscape and be seen to 'fit' into the existing settlement pattern. As far as practicable, a low key approach to the access road is proposed with a remote footpath introduced to link to the wider core path network and designed to minimise the overall landscape and visual impacts normally associated with suburban road forms and infrastructure. In a similar vein, whilst the overall design geometry of the courtyard will meet Roads Service standards, it is envisaged that through a change in surface material, articulation of the courtyard and clever use of hard and soft landscape components, a 'home zone' environment can be created which will accommodate circulation patterns as well as space for outdoor informal activities. The non-suburban format will also reflect the site's location on the urban/rural fringe.
- 4.4.9 Development principles also seek to deliver a balance between built forms and open space as well as informal recreation and habitat creation. In this context, new woodland, structure and specimen tree planting will be introduced across the site to enhance the strong sense of structure already experienced. Small woodland belts will be introduced to the more open parts of the northern boundary and partly along the eastern boundary and will vary in width to allow intervisibility into and out of the new development whilst be designed to frame the new built forms.

These woodland features combined with the proposed planting within the new park will mature to provide a long term defensible settlement boundary to Rumbling Bridge.

- 4.4.10 Formal tree planting is proposed to the new access junction and along the main 'avenue' into the development with structure planting, specimen tree planting and a level of ornamental planting to add year round interest and colour across the development including the new park area. Planting will not be designed to 'screen' the site but rather to ensure that when viewed from locations outwith the site boundary, the new development will be a positive feature and will help to add to the unique character.

4.5 Landscape Impact

Impact on Landscape Resource

- 4.5.1 As a result of construction on the landholding for a low density, courtyard steading development, there will be a limited loss of grazing land and a small area of rough grassland which contains a number of outbuildings and small stables. The loss of a grazing field will have a minor impact on the physical landscape due to the wider context comprising an agricultural landscape with an abundance of pasture. Furthermore, the site is isolated from the wider pastoral landscape by the mature wooded corridor of the River Devon and therefore its value as a grazing field is limited.
- 4.5.2 Although the extensive mature tree cover across the immediate context to the site is a valuable resource and has a high natural heritage importance, the pasture and rough grassland across the site itself is not particularly valuable.
- 4.5.3 The woodland features provide an opportunity to relate new development to established components in the landscape. As such, the proposed development strategy seeks to retain and augment the important woodland and hedge features around the perimeter as far as practicable. Through the adoption of a pro-active site-wide management plan, the strategy ultimately seeks to manage and maintain the quality of this landscape resource thereby providing for its longer term survival.
- 4.5.4 Where appropriate, new woodland structure planting, specimen trees and domestic/ornamental planting will form part of a comprehensive mitigation strategy which will be adopted across the landholding. This will help to reinforce the sense of structure experienced across the area and provide the opportunity for the creation of extended wildlife corridors. Whilst there will be a period of adjustment and change, through careful planning and design, development will have only a low impact on the overall landscape resource in the short term, whilst in the longer term many of these features will be enhanced, creating a new positive element on the urban/rural fringe. Therefore the impact on landscape resources is considered to be **Minor** and **Beneficial**.

Impact on Landscape Character

- 4.5.5 Following development, there will be an impact to the local landscape character of the site and its immediate context, changing from an area of grazing with a parkland character on the urban fringe to a landscape containing new development forms with associated infrastructure and set within a framework of open space, woodland, structure and ornamental planting. The existing parkland character will be retained. In addition, the removal of the various styles of outbuildings utilised as stables which are in a varied condition and a relatively large area containing building materials in close proximity to the northern boundary will be a beneficial change to the current 'run-down' character of this part of the landholding.
- 4.5.6 In terms of landscape character, the proposed site falls on the eastern fringes of the '*Devon Gorge*' landscape character area (LCA) adjacent to the '*Crook of Devon*' LCA to the east and the '*Aldie Hills*' landscape character sub-area of the '*Loch Leven Basin Low hills*' LCA to the south, all as classified within the Kinross-shire Landscape Character Assessment. This assessment was included within the Tayside Landscape Character Assessment (1999) which provided a more broad-brush approach to the landscape across Perth and Kinross and concluded that the wider landscape context to Rumbling Bridge is classified as '*Lowland Basins*' Landscape Character Type (LCT).
- 4.5.7 Both the '*Devon Gorge*' and '*Crook of Devon*' LCAs form part of the '*Valley of the River Devon*' LCT and as such, have very similar characteristics. Both LCAs have many positive attributes mainly associated with the river corridor itself which possesses a steep-sided, well treed valley in the vicinity of Rumbling Bridge. Between the Crook of Devon and Rumbling Bridge the valley is confined, predominantly grassland on the upper slopes and well wooded, with the Ochil Hills dominating the skyline. The landscape has an intimate and small scale landform and includes low-lying, well treed settlements with soft edges including Rumbling Bridge. Outwith the small settlements, settlement pattern includes infrequent farmsteads which relate well to landform and woodland and large 18th and 19th century houses set within mature wooded grounds. Woodland cover effectively screens views towards built form with only occasional glimpses through tree cover afforded.
- 4.5.8 These positive characteristics have been drawn into the masterplan and vision for development of the site. A proactive design strategy has been developed to ensure the proposed development forms an appropriate addition to the River Devon valley landscape with the well-defined existing landscape structure providing a framework and backdrop to the new development.

- 4.5.9 Through careful site planning new built forms and associated infrastructure have been laid out to respond positively to the landform with a minimal requirement for earthworks. The new built forms are located within the shallow basin landform within the western sector and the access road gently curves around the lower slopes of the small drumlin form within the eastern part of the site. In addition, the existing sense of structure experienced has been reinforced by the introduction of a new layer of “native” species based planting. This paves the way for a third layer of structure, specimen and some ornamental planting to be implemented and, once established, will combine with woodland planting to soften and filter potential glimpsed views towards the new development.
- 4.5.10 There is also a real opportunity to extend the stone wall feature which defines the woodland adjacent to the north-western corner of the site and create a new ‘gateway’ into Rumbling Bridge from the east. Stone walls are an inherent feature across the immediate and wider context and it is proposed that they form part of the design code to be applied across the site at key locations. Not only do these elements create a strong sense of arrival to this unique courtyard development but they also reflect the historic past across the wider context.
- 4.5.11 Overall, it is considered that strategy presented which incorporates a distinctly formal layout is consistent with the characteristics of the more traditional settlement pattern within the southern part of the village. Proposals such as the introduction of a new woodland structure, beech hedges, stone walls and stone pier features across the site will have a positive effect. Therefore the impact on landscape character is considered to be **Minor** and **Beneficial**.

4.6 Visual Impacts

- 4.6.1 In assessing the visual impact of the proposed development on the landscape, full consideration has been given to all viewpoints, their location and distance from the site, the quality of each view and the impact that the development will have on the setting. The visual assessment is based upon desk top study and a site visit with a selection of photographic viewpoints illustrated in **Figures 2 and 3**. The locations of these viewpoints are presented in **Figure 1, Landscape & Policy Context**.
- 4.6.2 The mature wooded corridor of the River Devon gorge, well-vegetated grounds of the nursing home, woodland blocks and large wooded grounds of single dwellings lining the local road network, woodland and structure planting associated with Muckhart golf course and mature vegetation defining the field boundaries in the wider agricultural setting all combine with the undulating topography to create an extremely tight visual envelope with only limited opportunities for local views.

- 4.6.3 From higher ground within the surrounding open countryside the prolific woodland structure surrounding the proposed site wholly screens views, as illustrated in Viewpoints 5 and 6 (Figure 4), taken from beyond the settlement limit to the north and south. Similarly, from further east along the minor road to Lendrick Muir and Crook of Devon mature woodland components including the River Devon valley and woodland belts, restrict views towards the site
- 4.6.4 As the receptor travels west along this minor road into Rumbling Bridge, once passed the pedestrian entrance to the core path network along the River Devon, channelled views towards a small portion of the landholding become available. This is illustrated in Viewpoint 2, Figure 2. As the receptor travels closer to the proposed site, although more open in character, views across the full extent of the landholding are very limited and obscured by the drumlin hill form within the eastern sector. This is illustrated in Viewpoint 3, Figure 3, where views are directed towards the upper parts of the large newly built dwellings which overlook the A823 corridor and the site.
- 4.6.5 As illustrated in the Site Layout, it is proposed to locate the main building group within the shallow basin in the western part of the site and framed by the existing woodland structure to the north and south and the beech hedge to the west and further framed by existing built form. The existing skyline created by the newly built dwellings and the nursing home will be preserved.
- 4.6.6 Once the new layer of native species based site-wide planting begins to establish, filtered and glimpsed views towards the new courtyard development and gate lodge will bring a new positive element to the fringes of Rumbling Bridge. This strategy is in keeping with the existing settlement pattern in the area where glimpsed views towards groups of built forms are characteristic.
- 4.6.7 There will also be local filtered views from the south as receptors travel through Rumbling Bridge along the A823. Viewpoint 4, Figure 3 illustrates a local view from the entrance to the nursing home. It is proposed to retain and augment the high beech hedge along the western boundary with specimen trees which will aid in further softening views towards the new courtyard development and set against a backdrop of the new and existing layers of woodland which extend to frame the wider setting.
- 4.6.8 It is therefore assessed that there are very limited opportunities to view the site. The proposed building groups, where visible, will be viewed as an urban fringe development framed by existing built form and a strong framework of mature woodland. In the long term, as the proposed planting matures, the sense of structure will be further enhanced and through the introduction of cultural heritage features across the landholding, the sense of place and wooded character of the immediate setting will be extended into the site. Therefore the impact on visual amenity is considered to be **Minor** in the short term and **Beneficial**.

Mitigation of Landscape and Visual Impacts

- 4.6.9 Emphasis has been placed in the development strategy on the need to respect the opportunities and constraints inherent across the site, whilst having regard for the potential to build upon the 'sense of place' through sensitive design.
- 4.6.10 Proposed mitigation measures have been designed to ensure that any impacts resulting from the new development are minimised. This has been achieved through a combination of factors including: protecting the key features in the landscape including the retention and enhancement of the existing tree and hedge structure; introduction of new woodland and structure planting; introduction of a further layer of domestic and ornamental planting; introduction of new gateway features and boundary treatments reflecting the historic context of the site; the careful siting, distribution and orientation of new built forms to respond positively to the setting and landform; sensitive alignment of infrastructure to minimise the need for ground modelling; protecting the existing skyline created by the newly built single dwellings and the nursing home along the A823; an appropriate scale, form and mass of development to reflect the character of the settlement within the wider context; the sensitive use of materials and detailing; and, a long term management plan responsible for the maintenance of all communal areas, structure/woodland planting and hard landscape features.
- 4.6.11 The site is effectively hidden from all but very local viewpoints by a combination of the existing mature vegetation cover and landform. This effect is most pronounced within the western and northern sectors of the site where the mature woodland cover and beech hedge combine with the local landform within the eastern part of the site to provide a distinct sense of containment. As such, the retention of the mature vegetation on the boundaries and ultimately its enhancement is seen as an important baseline factor to the successful integration of the proposed development and losses have been kept to an absolute minimum.
- 4.6.12 The overall concept of the landscape strategy seeks to not only further increase the sense of structure and wooded character across this landscape but also, promote a proactive conservation plan where the new planting strategy and open space provide direct links to the wider recreational resource of the River Devon gorge. In turn, this will increase the sense of public access across the site and allow new habitat corridors to be created across the landholding whilst safeguarding the setting to the village from further development.

4.7 Conclusions

- 4.7.1 The proposed site is well defined by built form on three sides, offers a distinct sense of place and its release for a courtyard development (as presented) is considered to be a logical extension to the existing settlement pattern. The landholding has clearly defined and defensible boundaries which will be augmented by the comprehensive site-wide planting strategy. The proposed planting layers will bring a more secluded character to this part of Rumbling Bridge and complement the setting by drawing upon the characteristics of the wider area. The introduction of

new gateway and stone piers will create new key features on the approach into Rumbling Bridge from the east whilst the new park will become a hub of passive recreation which will be overlooked by residents and allow greater accessibility to the River Devon gorge and the wider path network.

- 4.7.2 Careful consideration has been given to the scale and form of the proposed development to ensure any local impacts are minimised. This has included the architectural style and detailing of the built forms as well as the choice of materials. Ultimately, the sensitively planned development of this urban fringe site together with the integral detailed landscape strategy will be seen to 'complete' the settlement pattern within the area by consolidating the edge to the existing built form.
- 4.7.3 This assessment concludes that the landscape has the capacity to absorb the scale of development proposed and any impacts generated can be appropriately addressed through the proposed mitigation strategy. This will create a framework for the application of current best practice guidelines in the design of all elements of the new residential development. The siting, massing, shape, design, finishes and materials of new building forms, as well as the hard and soft landscape proposals, have been detailed to ensure that the new steading and gate lodge development will be seen to fully integrate with the overall setting and historic character of Rumbling Bridge.
- 4.7.4 *'The aim is to facilitate positive change whilst maintaining and enhancing distinctive character.'*
Paragraph 127, SPP.

Planning Statement:

In Support of Proposed Erection of Seven Dwellinghouses, Formation of a new access and associated infrastructure at land to north of Nursing Home and East of the A823, Rumblingbridge, Perthshire



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1. Introduction, Site & Context

Introduction

Cockburn's Planning & Development Consultants has been commissioned by the landowners to support a full planning application for seven dwellinghouses, formation of a new access road and associated infrastructure at a site in their ownership to the north of Rumblingbridge, specifically immediately north of the existing nursing home.

The following report is intended to describe the proposed development; identify the relevant local plan policies and assess the proposal against them; and, identify any material planning considerations relevant to the proper assessment of the application.

This document should be read in conjunction with the Landscape Appraisal, the Design & Access Statement and the Housing Land Supply Discussion, all also submitted with this planning application.

Development Team

The applicants, the Johnson family, are residents and business owners within the local area. As local business owners and residents, the applicants have an interest in making the development an economic and successful property investment development for Rumbling Bridge and Perth & Kinross as a whole. The applicants have been assisted by a professional team for the purposes of this application comprising of:

- Development & Planning Consultants: Cockburn's Planning & Development
- Urban Design & Architecture: Slorach Wood
- Landscape Architecture: VLM Landscape

Report Structure

Following this introduction, the assessment comprises:

- Section 2: Site Appraisal;
- Section 3: Planning Policy Context;
- Section 4; Planning Policy Analysis
- Section 5: Analysis of Housing in the Countryside; and
- Section 6: Summary and Conclusions.

It is requested that the Planning Committee or Planning Authority (if a delegated decision is deemed appropriate) make positive recommendation and approve this exciting new opportunity to define the settlement edge at Rumbling Bridge and to provide much needed housing within the Perth & Kinross Council area.

2. Development Proposals

Site Appraisal

The subjects are currently wholly owned by applicants, the Johnson family.

The proposed site is located on the north-eastern fringes of the small village, Rumbling Bridge, adjacent to, but outwith, the settlement boundary (as recently re-defined in the Perth and Kinross Local Development Plan, adopted 2014). It is identified in Figure 1, below.

Rumbling Bridge is located approximately 10km to the west-south-west of Kinross nestling under the Ochil Hills which provide a dramatic backdrop to the north and in very close proximity to the south-east of the Clackmannanshire administrative boundary. The village is strategically well connected with built form straddling the A823 corridor (which defines the western boundary to the site) and lying to the south of the junction with the A977, with links to Crook of Devon to the east and Powmill to the south. The steep incised wooded valley of the River Devon which forms a gorge as it meanders in a narrow channel dissects the village into two distinct northern and southern areas. The proposed site is located within the northern part of the village where much development has occurred over the last 20 years.

The proposed site comprises the western field of a broadly triangular area of pasture which is currently used for horse grazing with built form surrounding the field on three sides. The well-maintained grounds of a nursing home provide the immediate context to the south with the River Devon gorge and its well wooded corridor just beyond the nursing home and extending northwards to define the south-eastern boundary to the site and the adjacent grazing field. The western and northern boundaries are more enclosed in nature with a high, well maintained beech hedge and the A823 defining the site to the west and a post and rail metal fence and a rural unclassified road defining the site and adjacent field to the north. A small, unmanaged woodland and a low stone wall form key landscape features adjacent to the north-western corner of the landholding and separate the grazing field from the junction of the minor road and the A823.

Large dwellings located within well wooded grounds are located on the far side of the rural road opposite the site and also extend along both sides of the A823 further to the north. These dwellings and the parkland grounds of Muckhart Golf Course define the northern edge to the settlement of Rumbling Bridge

Beyond this, a mix of improved pastoral and some arable fields occasionally interrupted by small woodland belts and scattered built form stretch towards the foot of the Ochil Hills. Similarly, further to the east and beyond the River Devon corridor, the landscape comprises an agricultural setting with the small hamlet of Lendrick Muir nestled within a wooded area and the village of Crook of Devon beyond.

To the south of the River Devon gorge lays the southern part of Rumbling Bridge and the historic core of the village. A caravan park is located on the south-eastern fringes with the elevated corridor of the A977 defining the southern edge of the village.



Figure 1: Site Plan (not to scale)

Development Proposals

Under the terms of the planning application the development is fully described as:

‘Erection of Seven Class 9 Dwellinghouses, formation of Access Road and Associated Infrastructure’.

Layout and Design

A block plan and layout for the site containing the proposed development is indicated in Figure 2 overleaf, whilst an isometric drawing illustrates a three dimensional visualisation of the proposed development is shown in Figure 3, also overleaf.



Figure 2: Block Plan



Figure 3: Isometric Drawing

Landscaping

Low level shrubs will be provided in various other locations around the building to provide points of interest and soften the building edge. All proposed footpaths will be concrete paving slabs, changing style / direction of layout / colour to differentiate between the proposed Class 1 Store, the car park and the street.

Access and Parking

A full Design and Access Statement supplements the planning application and outlines matters related to highways and parking standards.

The SPP (Transport) advises that decisions on new developments should take account of the existing transport network and environmental and operational constraints. Development proposals must be accessible to public or be made accessible to the existing or planned public transport network and is located where road network capacity is or can be made available. This has been wholly considered and applied in the execution of the design in this planning application.

3. Planning Policy Context

Determination

The starting point for the consideration of this appeal is Section 25 of the Town & Country Planning (Scotland) Act 1997. This requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.

The interpretation of this provision was clarified in a House of Lords' decision in 1998. The House of Lords' judgement set out a specific step by step approach to determining an application:

- ...identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

The weight to be attached to any relevant material consideration is for the judgement of the decision-maker. Having regard to this, it is considered that the Council did not fully consider the aims and objectives of the Local Plan or the other Non-Statutory documents and arrived at a decision that did not take into account all relevant material considerations.

Development Plan

The development plan in this case includes:

- TAYplan, as approved, (June 2012)
- Perth & Kinross Local Development Plan (adopted February 2014)
- 'Housing in the Countryside' 2005 policy document (HITC)
- Designing Streets
- Developer Contributions SPG

4. Planning Policy Analysis

General Development Principles

The following outlines the general development principles to be applied to the development, whilst a more detailed analysis of how these principles apply to Planning Plan policy follow.

Residential Amenity

The proposals ensure that there will be no unacceptable adverse impact on the amenity of residents of existing dwellings. Daylighting, amenity and sunlight requirements are all acceptable in this proposal.

Archaeology

The archaeological potential of the area is low and matters can be addressed through a suitably worded planning condition require a Written Scheme of Investigation to be approved and implemented by the Planning Authority prior to development taking place.

Education

The modest scale of the development suggests that there should be no major issues arising from the development in respect of educational provision. However, appropriate developer contributions will be negotiated.

Infrastructure

There are no infrastructure constraints to development.

Ecology

The site is not subject to any nature conservation designation. The site is thought to be generally species poor and simple in terms of structure, with no known evidence of protected species. The land can be developed such that there is an overall enhancement in biodiversity with and around the site. Development will not have an adverse impact on any protected species.

Flood Risk/Drainage

The proposed development is not in an area where there is a risk of flooding. Further, it would not increase the risk of flooding elsewhere and will have a neutral impact on the receiving water environment in terms of water quality and flood risk.

Sustainability

The proposed development will comply with Section 6 of the 2010 Building Standards, with a 30% carbon saving achieved with fabric, heating and ventilation improvements. An energy statement would be provided in due course.

A More Harmonious Settlement

In terms of siting and design, the finished dwellinghouses incorporate materials that echo existing buildings and that found within the Perth & Kinross vernacular context. The proposal generally represents a visual harmony and 'rounding off' of the overall Rumbling Bridge settlement, thus adding harmony to the overall form and composition of the area, both locally and in a wider context.

The overall result from the proposed development would be that it would make a positive overall contribution of the character of the settlement and the wider countryside setting within which it sits.

Amenity

The adjacent land to the east could be used for some type of recreational purpose to accentuate the amenity of the adjacent gorge. This land could be developed as a car park, a play area, a woodland walk way or some other such rural use that would add to the amenity and attractiveness of the gorge as a visitor destination. However, the applicants in this case have no control over that land any agreement in this respect would be the subject of a wholly separate arrangement.

Due to the characteristics of the application site it has been proven that the proposed 7 dwelling houses make a positive contribution to the architectural character of the group of existing houses in the existing settlement.

Thus, in summary, the proposed 7 new build houses on the site will not result in any harmful overlooking and loss of privacy of the neighbouring properties and such that the occupants of the house would be able to benefit from sufficient privacy and amenity.

Transport

Access to the site is to be taken from the existing A823 and possibly the un-named public road to the north. The necessary sightlines and visibility splays can be achieved and a safe means of access to the site is achievable.

National Policy

The Planning etc. (Scotland) Act 2006 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It states that 'where the proposal is in accordance with the development Plan, the principle of development should be taken as established and that the process of assessment should not be used by the planning authority or other agencies to revisit that'. This section reviews planning policy considerations at national, strategic and local levels relevant to this application.

Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) reiterates the objective of enhancing the character, landscape setting and identity of settlements. These are all factors which the proposal will help to achieve. SPP also advises that boundaries should not be drawn too tightly around the urban edge so that room for planned development is provided. Importantly, it states that 'hedges and field enclosures will rarely provide a sufficiently robust boundary' (Para 162). The proposed development will provide much needed housing within a new robust landscaped boundary replacing the existing field boundary on the eastern and northern edge. The current urban edge is not a planned or design termination of the character of the area. This small scale development, which better meets rural objectives, will provide a sustainable rural environment pattern of development and will fit in with the overall rural character of its wider context.

The proposed development is not entirely consistent with its existing designation, although it is within the defined settlement boundary. If planning permission were approved then it would help to meet an established (relatively small) housing shortfall.

In Paragraph 93 it is stated that 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.

In respect of housing, SPP sets out circumstances where a site can be considered to be 'effective' for development. In this circumstance, the site in question is free of any constraints that would otherwise preclude its development. The following 6 criteria are not known to be of any concern in this respect at the time of this submission:

- Ownership;
- Physical Features;
- Contamination;
- Deficit Funding;
- Marketability;
- Infrastructure; and
- Land Use

The site can therefore be considered to be 'effective' as per the criteria set out in SPP.

Further support for this type of housing in the countryside is endorsed within SPP paragraphs 131 (landscape) and 95 (rural development). 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 particular note is para 92 of the SPP 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. "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".

Designing Places – A Policy statement for Scotland 2011

This was the first general statement setting out the Government's aspirations for design and the role of the planning system in delivering published Planning Advice Notes on subjects such as the Siting and Design of Housing in the Countryside, Small Towns and Town Centre Improvement.

This document fills that gap. This statement sits alongside the policy on architecture, which was launched in October 2001, and it is a material consideration in decisions in planning applications and appeals. It will also provide the basis for a series of Planning Advice Notes dealing with more detailed aspects of design.

Planning Advice Note 67: Housing Quality

This Planning Advice Note (PAN) explains how Designing Places should be applied to new housing.

Planning Advice Notice 74: Affordable Housing

This sets out how the planning system can support the Government's commitment to increase the supply of affordable housing. It provides advice and information, including existing examples of better practice. It seeks to speed up the development of both market and affordable housing by ensuring that any affordable housing requirement included in the development plan is realistic and that the planning contribution is set within the wider housing policy context.

Planning Advice Note 76: Designing New Residential Streets

The PAN has been produced in line with the Scottish Government's drive to promote the design agenda. It follows on from Designing Places and forms part of the design based series of PANs. In particular, it complements, and should be read in conjunction with, PAN 67 Housing Quality. The advice applies to everyone engaged in the planning, design and approval of streets in new residential developments including planners, road engineers, architects and developers. In particular, it means that planners and engineers should work more closely together.

Development Plan

The Development Plan for the area currently consists of the Approved TAYPlan (2012) strategic document and the Perth & Kinross Local Development Plan (adopted in February 2014). An important part of the Development Plan in this instance is the Supplementary Planning Guidance (SPG) on Housing in the Countryside, which was approved by the Council in December 2012.

Overall, the proposal does not raise many particular strategic issues other than the wider acknowledged issue of Housing Land supply, which is discussed in detail in the Housing Land Assessment document, submitted with this application.

Perth & Kinross Local Development Plan (adopted February 2014)

Siting and Design/Land Use Conflict

PM1B, Placemaking, states that residential development requires to:-

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

The associated Design & Access statement submitted with this application provides a full assessment into the design rationale behind the scheme and how it complies with relevant local and national design policies.

In general terms the location is considered appropriate for a residential development as proposed. It would not result in a material degree of land use conflict or impact upon general amenity. and would have no adverse impact on the quality or amenity of the proposed residential environment.

Developer Contributions/Affordable Housing

The applicant is prepared to enter into a Section 75 legal obligation to deliver the necessary 25% affordable housing in accordance with LDP Policy RD4 – Affordable Housing. We are happy to enter into discussions with the Council in this regard during the course of this planning application. On account of the scale of the site and the market area, it is intended that the affordable housing would be delivered through a commuted sum to the Council to be used for affordable housing elsewhere.

With regards to infrastructure, again we are happy to negotiation with the Council to secure a range of on and off site contributions reasonably related to the scale and nature of the proposed housing development. Contributions are likely to include to be limited to primary and secondary education. This would be implemented through a legal obligation and/or planning condition as set out in LDP Policy PM3.

Transport

The proposed development is well served by, and easily accessible to all modes of transport. Provision for walking and cycling and public transport has been considered as part of the design process and integrated within the development as required by LDP Policy TA1B and Designing Streets. This is covered in more detail as part of the associated Design & Access Statement.

Appropriate access and parking requirements are provided on site with the emphasis on maximising permeability and connectivity to encourage walking, cycling and the use of public transport. Cycle parking facilities will also been incorporated in accordance with relevant national and local planning guidance. The site provides access to local bus routes and scale of the development is such that the surrounding road network is capable of accommodating a development of this nature and scale.

Open Space/Green Infrastructure

The proposal provides a strong sense of openness and represents a development density of only one house per half acre. The proposed site is in a location which is well connected, safe and welcoming.

The design proposes substantial areas of high quality open space and landscaping throughout which would contribute positively to the recreational quality of the site. Green networks are to be established and encouraged by linking existing desire lines to the proposed link footpaths that connects with the Gorge. This assists in improving the quality of open space in order to improve the user experience and recreational quality of the development site. As a result the development is deemed to comply with LDP Policy CF1B – Open Space Within New Developments.

Woodland and Trees

Policy NE2 states that the Council will support proposals which:

- (a) deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment;

- (b) protect existing trees, woodland, especially those with high natural, historic and cultural heritage value;
- (c) seek to expand woodland cover in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy;
- (d) encourage the protection and good management of amenity trees, or groups of trees, important for amenity sport and recreation or because of their cultural or heritage interest;
- (e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and trees on development sites in accordance with BS5837 "Trees in Relation to Construction";
- (f) seek to secure establishment of new woodland in advance of major developments where practicable and secure new tree planting in line with the guidance contained in the Perth and Kinross Forestry and Woodland Strategy.

The proposed development is considered to protect existing trees and woodland area that is adjacent to the site which is recognised as being important for the landscape quality and general amenity of the local area as required by LDP Policy NE2. This is to be supplemented by the introduction of high quality planting which is intended to enhance the existing landscaping.

The planting on site would also acts as an effective screening barrier. Public views of the proposed houses are limited from surrounding areas resulting in a development which relates well to its landscape setting and is not overbearing or visually intrusive in the context of the local built form. As a consequence the proposal would have no material impact on the character, appearance and visual amenity of surrounding housing developments, other buildings and natural features.

Flooding

The development site is not located within a functional flood plain. There is no known risk of flooding in the area to be developed as part of this application. A watercourse runs parallel to the northern site boundary however it is not intended to develop this area of the site as part of the proposals. As the application site is not considered to be at risk of flooding the development is deemed acceptable and compliant with LDP Policy EP2.

Waste Management

The proposal will incorporate waste and recycling facilities, in accordance with Perth & Kinross Council's Waste Management Plan, 2013. The facilities would be located at the shared parking area to the south of the built up area. It is acknowledged that, in accordance with the Zero Waste Plan Scotland (2010), there should be a new way of looking at waste within Scotland and those materials previously considered as waste should instead be seen as a resource. To that end, a segregation scheme for recyclable materials would be incorporated, in line with the Council's adopted scheme for wastes collection. With the formation of the new access road, collection vehicles would not be presented with any issues in terms of access and egress to the site. We would be happy to undertake a waste management plan as part of the scheme, as per a suitably worded planning condition. Overall, the

proposal will fully comply with the requirements of Policy EP9 – Waste Management Infrastructure. The construction phase would comply with Policy EP10 – Management of Inert and Construction Waste.

SUDS/Drainage

In terms of surface water drainage the development would incorporate a SUDS basin to the south east of the site which will integrate as part of the surrounding landscape. The feature would be surrounded by appropriate landscaping and would be engineered to appear as part of the local landscape thereby having no adverse impact on the suburban quality of the site. The proposed SUDS is deemed to be in accordance with the requirements of policy EP3C of the LDP.

5. Compliance with Housing in the Countryside SPG

Supplementary Planning Guidance (SPG) is a material consideration that can be taken into account when determining a planning application. It is intended to provide helpful guidance, consistent with the provisions of the Local Development Plan (LDP). Scottish Government Circular 1/2009 “Development Planning” states, at paragraph 93, that guidance adopted in connection with the LDP will form part of the development plan. As such, SPG content will carry the same weight as the LDP in determining planning applications.

The SPG on ‘Housing in the Countryside’ supplements the Local Development Plan policy on rural housing by providing additional information on the process of assessing development proposals for rural housing. The guide forms an important part of considering planning applications for housing related development in rural areas.

New housing in rural areas can be a positive opportunity to increase the provision of housing in rural areas, which can help in sustain local, rural communities, and assist in defining rural character.

The Housing in the Countryside SPG in Perth & Kinross was approved by the Council in November 2012. The relevant extracts of this policy are attached as Appendix 1, although the following excerpt is key in defining locations where new housing may be appropriate in the countryside in Perth & Kinross area:

1. Building Groups

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted 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. 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).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

☐ *The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*

- ② *The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- ② *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- ② *The size and design of the infill houses should be in sympathy with the existing house(s)*
- ② *The full extent of the gap must be included within the new plot(s)*
- ② *It complies with the siting criteria set out under category 3.*

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

The site that is the subject of this planning application may be considered as falling under the category of either a) or b) as defined above, or both. The site has built development on 3 of its 4 sides, as described further below:

- To the immediate west lies the recently built 4 large detached dwellinghouses
- To the immediate north lies a recently constructed dwellinghouse, a three story property that has recently been refurbished and an open site with planning permission for the erection of a single dwellinghouse
- To the immediate south lies the Rumbling Bridge nursing home.

All of the above mentioned borders to the application site are located within the settlement boundary of Rumbling Bridge, as defined in the recently adopted LDP. Indeed, the site is the only exception from the settlement boundary, despite the fact that it The figure below is taken from the LDP and it illustrates the context of the site and its character as an 'infill' site and how it fits within a strongly defined 'Building Group'. Indeed, it is a strong visual representation of the eastern constraints of the site and why it should be considered as representing a 'rounding off' of the existing settlement. The development as proposed would result in the consolidation of the built form of the settlement.

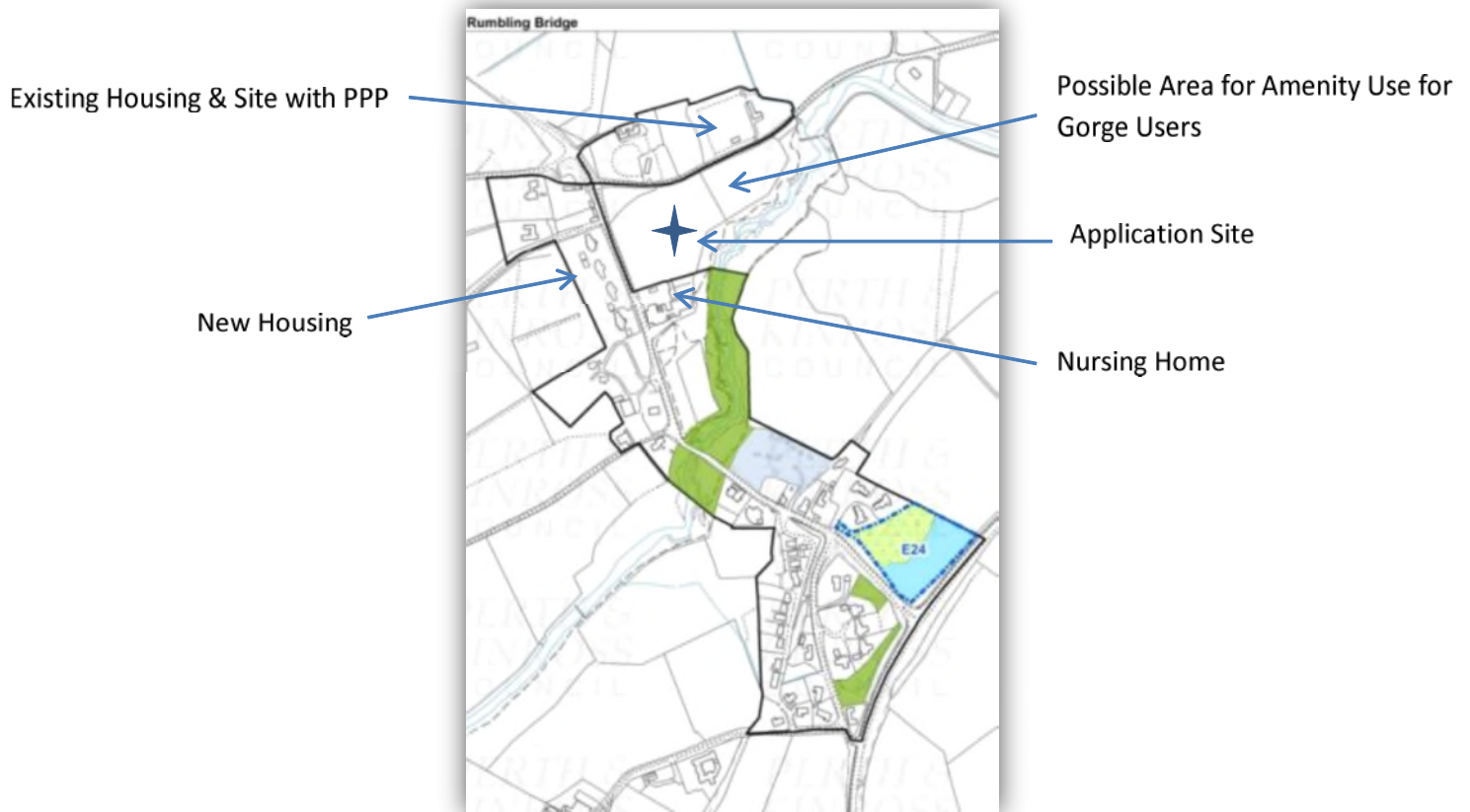


Figure 4: Rumbling Bridge LDP Extract and Site Environs

As can be seen in Figure 4, above, the River Devon (incorporating the Rumbling Bridge Gorge) runs from north east to south west and it acts as a defined boundary to the east of the site. Taking cognisance of this restriction, there is an area of some 3 acres or thereby immediately to the east of the application site that could, if required, be used for infrastructure and amenity use in respect of visitors using the Gorge, which is an acknowledged visitor attraction and amenity resource. It is important to note that the applicants for this planning application do not have control over this site, thus any development of this area would be the subject of both separate negotiations and a separate planning application. The proposal in this instance would, however incorporate a footpath link to the Gorge that follows existing footpath to the west of the site, allowing better access for the existing Rumbling Bridge inhabitants, as well as future occupiers of the proposed houses.

Taking cognisance of the above site characteristics and the terms outlined in the wording of the HITC policy, it would be difficult to draw any other conclusion than that the site could be considered as anything other than being within a Building Group or that it is an Infill site

It is noted that the number of units that would be within a site that is accepted as being a Building Group acceptable is not defined. Logically, it follows that the number of units that would be permitted would

be commensurate with the scale of the site and its environs. This proposal represents an opportunity within a site to add a small number of sensitively designed and configured houses to the existing small settlement in a way that consolidates the form of the settlement at the edge of the settlement. This approach facilitates for in providing much needed additional housing to meet local needs adjacent to the existing settlements.

In this case, the development, including the open space and amenity space that is proposed, would result in a density ratio of 1 house per half acre. This is far greater than the recently approved development to the west (four houses) which results in a development density of 1 house per quarter acre. The lower density development proposed in this instance responds positively to both the settlement fringe location and the character of the existing landscape.

6. Conclusion

This report has been prepared in support of a planning application for the erection of 7 dwellings on a site deemed appropriate for such a use immediately adjacent to the settlement of Rumbling Bridge. The above statement and associated information demonstrate that the development as proposed is in accordance with relevant local and national planning policies and guidance.

The proposed development is acceptable in principle as housing in the countryside against the up-to-date local policy framework, and would not otherwise effect any demonstrable harm to interests of acknowledged importance. Indeed, if approved, the proposal takes the opportunity to improve upon the existing settlement, directly in respect of a better rounding off of the built pattern in compliance with the HITC Policy, and in a wider context in terms of assisting with providing new housing in a sustainable context against an acknowledged under supply of housing within the Perth & Kinross area.

It is therefore respectfully submitted that the Council approve the application in this instance.

Appendix 1 – Housing in the Countryside 2012 Extract

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

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

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.

In addition they must also meet all the following criteria:

For All Proposals

- a) Proposals should comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.*
- b) Pre-application discussion is recommended.*
- c) Satisfactory access and services should be available or capable of being provided by the*

d) *There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.*

e) *All proposals for 5 units or more will either: require 25% of the proposed development to be for affordable housing; or require a developer contribution towards the provision of affordable housing, either on or off site. The council's housing needs assessment and the Affordable Housing Policy will be used to determine whether provision is to be on or off site or by way of a financial contribution.*

Note: For the purposes of this policy the restoration or replacement of an existing occupied or vacant house (as opposed to a ruin) will not constitute the creation of a new unit.

f) *The quality of the design and materials of the house(s) should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of a new house(s).*

g) *Existing on site materials, particularly stone and slate, should be re- used in the construction of the dwelling house and/or the boundary enclosure, in order to help reflect local character and contribute to sustainability.*

h) *Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.*

i) *Encouragement will be given to the incorporation of measures to facilitate home working within new development*

j) *The proposed development should not conflict with any other policy or proposal in the Local Plan.*

k) *It is the Council's policy to halt the loss of biodiversity. Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Proposals which might impact on protected sites, or where protected habitats or species (eg bats, barn owls, house martins, swallows, swifts) might be present, will require submission of a survey as part of the planning application to show their location. Proposals should include appropriate measures to avoid loss or disturbance to species. Failure to undertake a survey may mean the proposal contravenes the Wildlife and Countryside Act 1981 (as amended) and European Directives.*

l) Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Lochs and the River Tay SACs.

m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits.

1. Building Groups

Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted 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. 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).

Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.

Proposals which contribute towards ribbon development will not be supported.

2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- ☐ The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*
- ☐ The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- ☐ There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- ☐ The size and design of the infill houses should be in sympathy with the existing house(s)*
- ☐ The full extent of the gap must be included within the new plot(s)*

2 *It complies with the siting criteria set out under category 3.*

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

TCP/11/16(338)

Planning Application 14/01308/FLL – Erection of 7 dwellinghouses, formation of access road and associated infrastructure, land 100 metres south of Merryorchard, Rumbling Bridge

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 267-268)*

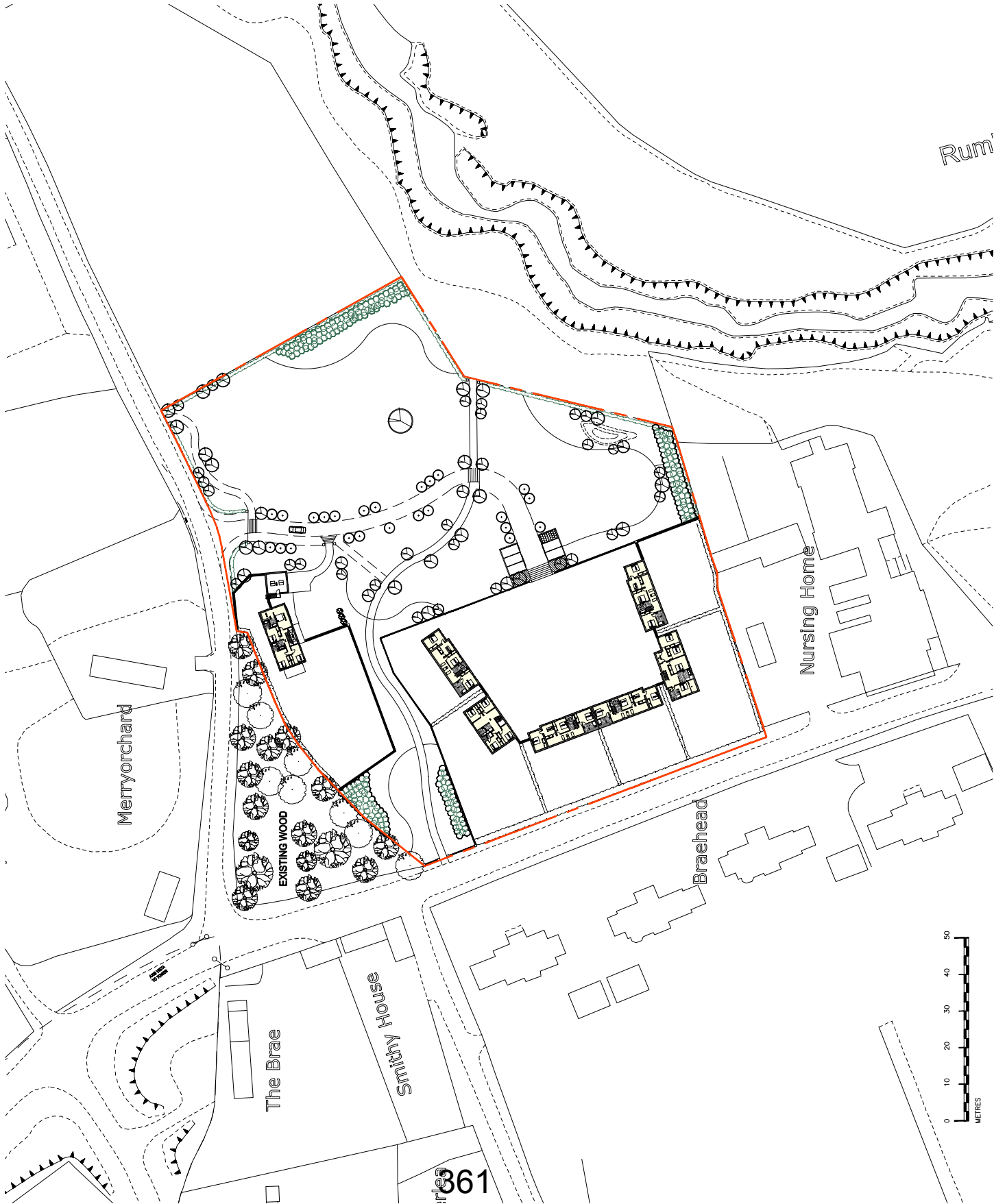
REPORT OF HANDLING *(included in applicant's submission, see pages 269-279)*

REFERENCE DOCUMENT *(part included in applicant's submission, see pages 289-357)*

Values of the site are shown in the accompanying map. The map shows the site is located in the vicinity of the River Forth, which is a protected area. The map also shows the site is located in the vicinity of the River Forth, which is a protected area. The map also shows the site is located in the vicinity of the River Forth, which is a protected area.

Controlled to ensure works to be undertaken with the following guidance:
1. The works shall be undertaken in accordance with the following guidance:
1.1. The works shall be undertaken in accordance with the following guidance:
1.2. The works shall be undertaken in accordance with the following guidance:
1.3. The works shall be undertaken in accordance with the following guidance:
1.4. The works shall be undertaken in accordance with the following guidance:

HEALTH AND SAFETY
The contractor shall ensure that all workers are provided with the necessary health and safety training and equipment. The contractor shall also ensure that all workers are provided with the necessary health and safety training and equipment.



B. SCALE BAR ADDED		1:1000
A. TEXT ADDED		1:1000
PLANNING		1:1000
drawing	14012 - P05 B	1:1000
project	STEADING DEVELOPMENT	1:1000
project	RUMBLINGBRIDGE KINROSS	1:1000
project	PERTHSHIRE	1:1000
title	FIRST FLOOR PLAN	1:1000
contact	The Studio (Scotland) Office, 100 South Queensferry, Edinburgh, EH30 1AP Tel: 0131 315 1200 Email: info@studio.co.uk Website: www.studio.co.uk	

TCP/11/16(338)

Planning Application 14/01308/FLL – Erection of 7 dwellinghouses, formation of access road and associated infrastructure, land 100 metres south of Merryorchard, Rumbling Bridge

REPRESENTATIONS

- Representation from Education and Children's Services, dated 19 August 2014
- Representation from Development Negotiations Officer, dated 20 August 2014
- Representation regarding Local Development Plan, dated 20 August 2014
- Objection from Christina Ritchie, dated 25 August 2014
- Objection from Dr M F Thornber, dated 25 August 2014
- Representation from Structures and Flooding, dated 25 August 2014
- Objection from Annika and Stewart Roberts, dated 26 August 2014
- Objection from Dr M Thornber, dated 26 August 2014
- Representation from Transport Planning, dated 26 August 2014
- Objection from Vernon Lee, dated 27 August 2014
- Objection from Community Waste, dated 27 August 2014
- Objection from St John Hattersley, dated 29 August 2014
- Objection from Caroline McCaig, dated 31 August 2014
- Objection from Roger and Netta Green, dated 1 September 2014
- Objection from Vernon Lee, dated 1 September 2014

- Objection from Ben Thornber and Aisling Finan, dated 1 September 2014
- Objection from Mark Croman, dated 2 September 2014
- Objection from Fossoway and District Community Council, dated 3 September 2014
- Representation from Regulatory Services Manager, dated 5 September 2014
- Representation from Caroline McCaig, dated 12 February 2015
- Representation from Christina Ritchie, dated 12 February 2015

Memorandum

To	Nick Brian Development Quality Manager	From	Maureen Watt Asset Management Officer
Your ref	14/01308/FLL	Our ref	
Date	19 August 2014	Tel No	(4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 14/01308/FLL

This development falls within the Fossoway Primary School catchment area.

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

Approved capacity	150
Highest projected 7 year roll	127
Potential additional children from this and previously approved/yet to be determined applications	13.77
Possible roll	140.77
Potential % capacity	93.8%

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.

INTERNAL CONSULTATION ON PLANNING APPLICATION



To: Development Management
From: Euan McLaughlin/ Stuart McLaren
Date: 20 August 2014
Planning Reference: 14/01308/FLL
Description of Proposal: Erection of 7no. dwellinghouses, formation of access road and associated infrastructure Land 100 Metres South Of Merryorchard Rumbling Bridge for Johnson Family

NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.

THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.

Affordable Housing

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

The total affordable housing requirement is 1.75 units ($7 \times 0.25 = 1.75$)

A commuted sum payment is considered acceptable in this case. The commuted sum for the Kinross Housing Market Area is £15,000 per unit.

Primary Education

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

This proposal is within the catchment of Fossoway Primary School.

No contribution towards primary education is required from affordable housing. This development requires 1.75 units to be affordable. As such the primary education contribution will be calculated on 5.25 units ($7 - 1.75 = 5.25$)

Summarised as follows

Affordable Housing: £26,250 ($1.75 \times £15,000$)
Education: £33,574 ($5.25 \times £6,395$)

Total: £59,824

Phasing

It is advised that the preferred method of payment would be upfront of release of planning permission.

Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement.

If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days prior to occupation.

Payment for each open market unit will be **£8,546** (£59,824/ 7 = £8,546).

Payment

Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.

Methods of Payment

On no account should cash be remitted.

Scheduled within a legal agreement

This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.

NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.

Other methods of payment

Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

Remittance by Cheque

The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.

Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:

Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH15GD

Bank Transfers

All Bank Transfers should use the following account details;

Sort Code: 839125

Account Number: 61079504

Affordable Housing

For Affordable Housing contributions please quote the following ledger code:

1-30-0060-0000-859136

Education Contributions

For Education contributions please quote the following ledger code:

1-30-0060-0001-859136

Direct Debit

The Council operate an electronic direct debit system whereby payments may be made over the phone.

To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:

- a) Your card details.
- b) Whether it is a Debit or Credit card.
- c) The full amount due.
- d) The planning application to which the payment relates.
- e) If you are the applicant or paying on behalf of the applicant.
- f) Your e-mail address so that a receipt may be issued directly.

Indexation

All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.

Accounting Procedures

Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.

Contacts

The main point of contact for enquiries relating to the interpretation of developer contributions will be the Development Negotiations Officer:

Euan McLaughlin

Tel: 01738 475381

Email: emclaughlin@pkc.gov.uk

If your query specifically relates to the provision of affordable housing please contact the Council's Affordable Housing Enabler:

Stuart McLaren

Tel: 01738 476405

Email: sjmclaren@pkc.gov.uk

CONSULTATION ON PLANNING APPLICATION – LOCAL DEVELOPMENT PLAN



To: Development Management

From: Katie Briggs

Date: 20/08/2014

Planning Reference: 14/01308/FLL

Description of Proposal: Erection of 7no. dwelling houses, formation of access road and associated infrastructure

Site Address: Land 100 Metres South Of Merryorchard Rumbling Bridge

LDP & Area: Perth and Kinross Local Development Plan 2014 – South Area

1. TAYplan Strategic Development Plan 2012

There are no specific policies of relevance to the application.

2. Perth and Kinross Local Development Plan 2014

This site is located outwith the Rumbling Bridge settlement boundary therefore Policy PM4 Settlement boundaries applies which states that, “For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.”

Policy PM4 Settlement boundaries is one which was specifically inserted into the LDP by the Reporter at its Examination stage. In recommending the inclusion of this Policy the Reporter stated,

“There seems little logic in drawing settlement boundaries if they have no effect in defining the edge of settlement and are only an indicator of where development might and might not be encouraged. It is recommended therefore that a new policy is included within the Proposed Plan, which sets out a presumption against development outwith a defined settlement boundary. This will provide much greater certainty for local residents and for prospective developers alike”.

The applicant refers to Policy RD3 Housing in the Countryside and its Supplementary Guidance however this proposal does not fit into any of the categories of acceptable housing in the countryside.

3. Comments

This site was an Examination issue for unresolved issues to the Proposed Plan and the Council stated in their submission that, “This site to the north of the nursing home was considered by the David Tyldesley and Associates Landscape Capacity Study which identified this area of land as a sensitive edge to the settlement with important landscape features or views beyond. The conclusion of this report states that ‘Development of the open field in the village north of the nursing home would (be) inappropriate’ identifying both landscape constraints and development not being consistent with the settlement pattern (S4_Doc_700). The settlement boundary has been drawn widely enough to provide sufficient infill opportunities to meet future housing demands and development of this site is not required.”

Whilst the Reporter concluded that, “a landscape capacity study highlighted that this open field (R3) near the gorge is an important feature of the landscape character of this part of the village. Its development for housing, even at a low density, would detract from the attractive rural character of the village, and is unnecessary having regard to the other opportunities for infill development within the settlement boundary.”

In conclusion there are more appropriate opportunities available within the settlement boundary. This application is for housing development on a sensitive site and its development would detract from the nearby gorge and the landscape character of the village. This proposal is contrary to Policy PM4 Settlement boundaries and this is therefore a policy objection to the planning application as it does not accord with the Perth and Kinross LDP.

Mrs christina ritchie (Objects)

Comment submitted date: Mon 25 Aug 2014

I am an immediate neighbour and would like to object very strongly to planning being granted. Both the current and the previous local plan designated this land as not suitable for development. A great deal of time and effort is spent consulting and creating these plans and I think the decisions on land use should not be negotiable.

Rumbling Bridge is in an area of great landscape value in particular the Gorge, a large number of planning applications have been granted recently and I feel any more development would greatly affect the character of the village.

I would ask that you refuse this application.

Christina Ritchie



RECEIVED

29 AUG 2014

Dr M F Thornber
Merryhills
Rumbling Bridge
Kinross
KY13 0PX

Tel [REDACTED]

25 August, 2014.

Dear Sir,

re 14/01308/FLL

We wish to state our following objections to the above.

1. It is not in accord with the local plan.
2. There is already outline planning permission given to a development to the north which is. This fact is surprisingly omitted from the new proposal when one of its main supporting arguments is a review of the lack of new housing development in Perth & Kinross.
3. If the project should go through, then the detailed plans should be altered to conform with the stated object about access from the A823 (Page 10 Planning Statement - Transport)

Yours faithfully,

Memorandum

To John Russell
Planning Officer

From Steven Smith
Technician
Structures and Flooding

Your ref 14/01308/fll

Our ref 6.9.10.679 – 7 Houses on land 100m
South of Merryorchard Rumbling
Bridge

Date 25 August 2014

Tel No 01738 477250

The Environment Service

The Atrium, 137 Glover Street, Perth, PH2 0HY

RE: 7 Houses on land 100m South of Merryorchard Rumbling Bridge

I can confirm that I have **no objection** to the application. If you require further information on this application please contact me.

Regards

SS

FB.

Tracy McManamon

From: Annika <[REDACTED]>
Sent: 26 August 2014 13:53
To: Development Management - Generic Email Account
Subject: Planning Application 14/01308/FLL

Dear Sir/Madam,

We write to oppose the planning application 14/01308/FLL to erect 7 dwelling houses in Rumbling Bridge. Firstly, it is our understanding that this land has been designated as not appropriate for development in the Local Plan therefore we do not understand why it is even being considered for development. As residents of Rumbling Bridge this proposed development would, we feel, materially affect the character of the area. The increased traffic would impact directly on the A823 which will have to accommodate more through traffic. This is already a busy stretch of road at the beginning and end of the school day for what is supposed to be a village hamlet. The proposed site is also right next to the Millenium Walk along the Rumbling Bridge gorge which is a very popular area for walkers both local and tourists. To replace the current field with 7, or any, houses would significantly impact this walk as it would no longer have the rural feel it currently enjoys with any houses overlooking the walk. The wildlife that currently exists in the area would also be negatively impacted.

We are aware of many local people opposed to this potential development and trust that you will see fit to deny the above application.

Yours faithfully

Annika and Stewart Roberts
3 Birkfield Park
Rumbling Bridge
KY13 0QR



AB.

Tracy McManamon

From: Mark Thornber [REDACTED]
Sent: 26 August 2014 12:38
To: Development Management - Generic Email Account
Subject: Objection to planning application 14/01308/FLL

RECEIVED IN COMPUTER
27 AUG 2014

Dear Sir

I am the owner and resident of Merryorchard, one of the named neighbours to the above planning application (lying to the north of the proposed development). I object to the application on the following grounds:

1. The Local Plan designated the entire proposed development site as non-development land. This was to ensure that the village had some open spaces and was not entirely constrained by development. To go against the Local Plan would be contrary to the local planning exercise and why the site was designated as not for development.
2. The main argument put forward in favour of the application is that Perth & Kinross Council would not meet its housing requirements in the future (see document 'Housing Land Supply Discussion'). This is no basis to go against the Local Plan.
3. I refer to the point made in section 3 (p10) of the document 'Housing Land Discussion' that: *"Given the minimum lead-in period of 3 years for the adoption of a new Local Development Plan, and the emerging SDP, the best reasonable option available to the Council in the short term is to add its housing land supply through the development management process."* I do not agree that this is the best reasonable option. Even if the argument about a future housing shortage in Perth & Kinross were true, the answer is not in short term responses which go against an agreed Local Plan but in medium and long term solutions which only Local Development Plans can address.
4. The Planning Statement is not correct about the built development on the sides of the proposed development. In section 5, page 18, 2nd bullet point, it states that to the north of the proposed site there is an open site with planning permission for the erection of a single dwellinghouse. I believe this may be a reference to the possible permission for a dwelling to be built within the confines of the Firgrove property. However, in the site/field between Merryhills/Merryorchard and Firgrove, there is already outline planning permission for housing development which was granted in accordance with the previous Local Development Plan. A submission for detailed planning is due by April 2015, and the local planning officer is aware of discussions that the detailed application will be for several dwelling houses. Assuming this is granted, this will address and negate the principal argument in favour of the current application, namely a short term need for housing in the local area.
5. Contrary to what is stated in the 'Planning Statement' on p13 and pp17-18, the proposed development does not meet many of the requirements of PM1B of the Local Plan and of the Supplementary Planning Guidance (SPG). In particular, the application envisages a steading-style building which has its back to the village, with the entry point on the road to the north of the site (Naemoor Road). It does not incorporate the buildings into the village. The access road should be onto the A823 as this would ensure the buildings would be included in the village, and would form a consistency with the access roads onto the A823 from the houses to the west of the proposed site. Having the access road on Naemoor Road would make the development more akin to a 'gated' community cut off from the rest of the village. The proposed steading-style dwellings are not in keeping with the size of the neighbouring houses opposite, not least because the latter

are all detached houses. For these reasons, the application does not meet criteria (a), (c), (e) and (h) of PM1B of the Local Plan (see p13 of the 'Planning Statement'), nor does it meet many of the criteria of the SPG quoted on pp17-18 of the 'Planning Statement':

In conclusion, I object to any planning consent being given for development for the proposed site for the reasons set out in points 1-4 above. If the site were to be considered as development land at some point in the future as part of a properly constituted future Local Plan, the number and style of the houses and the access road would need to be rethought so as to ensure a coherence and inclusiveness with the rest of the village, possibly with some of the land adjacent to the A823 being given over to the village for common use (local park etc) so as to provide an inclusive, open and common space which the village badly lacks.

Yours sincerely

Dr Mark Thornber



MEMORANDUM

To	Persephone Beer Planning Officer	From	Tony Maric Transport Planning Officer Transport Planning
Our ref:	TM	Tel No.	Ext 75329
Your ref:	14/01308/FLL	Date	26 August 2014

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

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

With reference to the application 14/01308/FLL for planning consent for:- **Erection of 7 no. dwellinghouses, formation of access road and associated infrastructure Land 100 Metres South of Merryorchard Rumbling Bridge for Johnson Family**

Insofar as the Roads matters are concerned 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 and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
- Prior to the occupation and use of the approved development A 1.8m wide footway constructed to the standard and specifications required by the Council as Roads Authority shall be provided along the site frontage with the A823 public road.
- 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.
- Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable sustainable urban drainage systems to meet the requirements of best management practices.

The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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.

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.

I trust these comments are of assistance.

VERNON LEE B.Arch, FRIBA, ARIAS, MRTPI

Architecture & Planning Consultant

Firgrove, Naemoor Road, Rumbling Bridge, Kinross KY13 0PX.

27.8.14

Perth & Kinross Council Planning Regeneration

Pullar House

35 Kinnoull St.

Perth PH1 5GD

29 AUG 2014

RECEIVED
29 AUG 2014

Planning Application on Neighbouring land.

Ref. 14/01308/FLL

Dear Sirs,

I wish to object to the planning application, above ref.

Many years ago, I sold the field to Mr Alan Johnson, on the understanding that it would be used entirely for grazing horses, for which it has been until now and certainly not as a future site for any building development whatsoever, in accordance with the local development plan and PM4.

In recent years, so many urban type housing developments have taken place in Rumbling Bridge to the detriment of its original rural character.

Yours faithfully,

Memorandum

To Generic Email Account
(DevelopmentManagement@pkc.gov.uk)

From Head of Service
Environment & Regulatory Services

cc Persephone Beer

Date 27/8/14

Our ref LG/P9.3.2
Tel No 01738 475262

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission: 14/01308/FLL

RE: Erection of 7no. dwellinghouses, formation of access road and associated infrastructure Land 100 Metres South Of Merryorchard Rumbling Bridge for Johnson Family

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 discussions are not forthcoming I would recommend the following minimum specifications:

As the access to the site will be a private road, refuse collection vehicles will not enter the development. Instead, waste and recycling bins will be collected from the road end which will be the designated collection point. The developer should construct a purpose built bin storage area at the collection point which should have a slabbed surface and fencing to provide a secure and unobtrusive area for the bins. The bin storage area should be no more than 10 metres from the main road.

The storage area should be able to accommodate either individual or communal bins to allow each household to have 240 litres of general waste capacity and 240 litres of dry mixed recycling capacity.

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.

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

Upon adoption of these specifications, please forward a copy of the amended drawings to Lucy Garthwaite. During construction of the development, we may require to visit the site.

From: ST JOHN HATTERSLEY [mailto: [REDACTED]]
Sent: 29 August 2014 12:48
To: Development Management - Generic Email Account
Subject: 14/01308/FLL

Dear Sirs

I write in relation to planning application 14/01308/FLL.

While this application appears to have been well thought through, and I commend both the applicant and the Council's officers for the amount of detailed work that has been done, I oppose the application.

My reason for doing this is that the proposed development falls outside the settlement boundary as shown in the Perth and Kinross LDP. This Plan, as I understand it, was specifically developed to take into account limiting factors on local infrastructure and to prevent a level of development that would stress this infrastructure. In particular I am concerned about the increasing level of traffic on the A823 and the relative lack of public transport.

Since the LDP is the tool by which the Council preserves the viability of local communities I am of the strong opinion that the Council should stick to the Plan and not allow any developments, however desirable on their own merits, which fall outside the Plan.

Yours Faithfully

St John Hattersley

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Mrs Caroline McCaig (Objects)

Comment submitted date: Sun 31 Aug 2014

I wish to object strongly to the development of 7 dwelling houses on land 100m south of Merryorchard, Rumbling Bridge. The proposed location of the development is on a greenfield site in a village regarded as a beauty spot and used by many villagers and tourists for recreation purposes. Such development in this site will have an adverse impact on nature conservation interests and continued development within Rumbling Bridge will ruin the character of the village. Moreover both current and previous local plans designate this land as not appropriate for development - this was the consensus following lengthy consultation and capacity study by DTA together with public meetings and representation.

I urge Perth and Kinross Council to ensure that the determination shall be made in accordance with the local plan.

PB.

Tracy McManamon

From: Netta Green <[REDACTED]>
Sent: 01 September 2014 16:47
To: Development Management - Generic Email Account
Subject: Application 14/01308/FLL

We wish to record our objections to the above Planning Application.

1. The Local Plan was produced after a great deal of expensive consultation and agreed. The area proposed for this development was described as unsuitable for development. What is the point of producing a Local Plan and then discarding it in very short order without further consultation? It makes no sense and makes a mockery of the planning system in this area.

2. The local services, such as schools, are stressed at present.

3. The proposed housing, whilst not as gross in size and cost as recent developments in Rumbling Bridge, does not have any acknowledgement of the needs of the older population or the urgent need for affordable housing for the younger.

Yours faithfully

Roger & Netta Green

8 The Old Station
Rumbling Bridge
KY13 0QP



(Additional Comments) Lee

PB.
RECEIVED
- 3 SEP 2014

VERNON LEE B.Arch, FRIBA, ARIAS, MRTPI

Architecture & Planning Consultant

Firgrove, Naemoor Road, Rumbling Bridge, Kinross KY13 0PX.

tel. [REDACTED]

1.9.14

Perth & Kinross Council - Planning & Regeneration

Pullar House

35 Kinnoval St

Perth PH1 5GD



Dear Sirs. Ref. 14/01308/FL

Thank you for your letter in reply to my letter (27.8.14) objecting to the proposed housing development 100 metres south of Merry Orchard, Rumbling Bridge.

From the Layout Plan for the proposed housing it indicates -

1. Access would be from Naemoor Rd which is a busy through route to the Crook of Devon from the Muckhart Rd and vice versa, with a speed limit of 40 mph.
2. No allowance appears to have been made for delivery vehicles, refuse and sewage disposal lorries to gain access to the individual houses, implying that such vehicles would have to park on Naemoor Rd in a very dangerous position.
3. Naemoor Rd is dangerously narrow for large vehicles to pass each other, and there have been

a number of accidents in the past.

Finally, I wish to reiterate again,
very strong objections to this planning
proposal.

Yours faithfully,

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

2nd letter from same household.

PB

Tracy McManamon

From: Benjamin Thornber <[REDACTED]>
Sent: 01 September 2014 10:30
To: Development Management - Generic Email Account
Subject: Planning Application Reference 14/01308/FLL

Dear Sir

We are residents of Merryorchard, one of the named neighbours to the planning application 14/01308/FLL (lying to the north of the proposed development). We object to the application on the following grounds:

1. The application is not in keeping with the Local Development Plan.
2. If, despite point 1, permission were to be granted, the access road should come from the A823 and not from the road lying to the north (Naemoor Road). This would ensure consistency with the access roads lying on the other side of the A823 and would make the dwellings more inclusive within the village (and would be in keeping with the stated intention under the Transport section on page 10 of the Planning Statement).

Yours sincerely

Ben Thornber and Aisling Finan



Mr Mark Croman (Objects)**Comment submitted date: Tue 02 Sep 2014**

I wish to note the objection of my wife, Ruth Croman, and I to the proposed building of 7 dwelling houses and a 3 storey tower on a greenfield site directly south of Merry Orchard at Rumbling Bridge and outside the settlement boundary plan.

For those that are not aware, Rumbling Bridge is a small village with no shop, post office, school or church. It is, however, centred around the Rumbling Bridge gorge - an area of considerable scenic beauty and historic and visitor interest. The development is proposed for a greenfield site running adjacent to the gorge walk and specifically designated as being outside the settlement boundary following a previous consultation and review. Overturning that decision would make a mockery of the process and signals a clear green light to further 'development creep' throughout the local PKC authority area.

The previous Landscape Capacity Study, as referred to in Katie Briggs' consultation response dated 20/8/14, is quoted as stating that there are 'sufficient infill opportunities within the settlement boundary to meet future housing demands and development on this site is not required' in its explanation of the thorough process followed in determining that this proposed area should not be included in the Local Development Plan. This document also references the Reporter as stating, in reaching his conclusion re this area, 'There seems little logic in drawing settlement boundaries if they have no effect in defining the edge of settlement? This will provide much greater certainty for local residents and prospective developers alike?.

My objections relate to several of the drop-down options as completed on the separate online form, including but not restricted to: Contrary to local plan - as above: Road safety hazard - the plan includes a public path running from the development onto the corner of a bend, at the end of a long straight into the village, which forms part of the regular motorbike speedway to Knockhill and with no pavement running down that side of the road / the only bus stop in the village being on the other side of the gorge, with no pavement running down either side of the road continuously to it; Loss of visual amenity for those living to the north and west of the site; and Out of character - from the west the plans present as a long, continuous white warehouse block / there is reference to a 3 storey tower being proposed on the site as well, which is not included on the drawing.

There also appears to be a number of material omissions and mis-statements in the documentation provided in support of the development to date. These include:

a) In relation to Cockburn's Consultants Housing Land Supply report dated July 2014:

4.3.4 / 4.4.5 references 'opening up and extending this important 'open space'' (4.3.4). I praise the report's acceptance of the site's importance as an open space, likewise the report's acknowledgement of the adjacent gorge as being 'an important recreational, landscape and biodiversity resource' (4.4.5), but question the logic in seeking to enhance that openness by building on it.

4.4.7 states that 'a 3-storey tower is proposed on the north western elevation' i.e. the first thing that you will see entering the village from the north. This is not on the plans, perhaps for obvious reasons, and is not in keeping with the character of the village.

4.5.5 inaccurately describes a gate into the field and small 2 door wooden stable as, 'various styles and outbuildings'.

4.6.3 no mention of the significant visual impact from the west.

4.6.11 references the site as being, 'effectively hidden from all but very local viewpoints'. This is incorrect and, in any event, contradicts the benefits of development claimed in 4.5.5.

4.7.1 describes the site as being 'well defined by built form on 3 sides'. As you will see from the plans and photographs, this is not true.

b) No waste storage and collection area included on the available plans as recommended be added by the Head of Environment & Regulatory Services in his response dated 27/8/14. The addition of this at the proposed road entrance will further detract from the rural landscape (and potentially the viability of 'house 1' on the plan).

c) Cockburn's Consultants Housing Land Supply Discussion document dated July 2014, makes repeated reference to the links between this development and the 5 year land supply. I would suggest that there are more effective sites for development, as already identified by PKC, in fulfilment of that plan. It also seeks to point criticism at PKC for build rates in recent years during a recession.

In conclusion, this site is not in plan, not in keeping with the local area, not an enhancement to the village, not supported by the village's amenities, not accurately described, not safe and not required given the in-plan areas for development already identified and appropriately designated elsewhere across the local authority area by PKC.

Yours sincerely,
Mark Croman

FOSSOWAY & DISTRICT COMMUNITY COUNCIL

Burach
Carnbo
Kinross
KY13 ONX

3 September 2014.

Head of Development Standards
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Dear Mr Brian,

14/01308/FLL. Objection

Fossoway and District Community Council discussed this planning application at a meeting on 2nd September 2014. Following consultation, the Community Council has agreed to lodge an objection..

14/01308/FLL. Erection of 7 dwellinghouses, formation of access road and associated infrastructure . Land 100 Metres South Of Merryorchard Rumbling Bridge

The application is contrary to the following policies for the Perth and Kinross Local Development Plan (2014): **PM1B (a) and (d)**. The development is out of scale with the surrounding settlement and in particular contrary to the Spatial Strategy Statement 7.16.2 for Rumbling Bridge "Preference will be given to roadside development echoing the character of the original village".

PM4. The site is outwith and immediately adjacent to the settlement boundary on 3 sides.

RD3. The site is not within a settlement boundary but no valid justification is given under the Housing in the Countryside Policy.

RD4. The developer proposes off-site affordable housing contribution for 1.7 houses, contrary to the policy statement "affordable housing should be integrated with and indistinguishable from the market housing". No justification is made for off-site provision, which should include a local needs analysis.

TA1B. Proposed access to the site is not clear from the applicants statements; both the Naemoor road and the A823 are given as main access. The site layout indicates that the preferred access is from the unnamed, single tract Naemoor road. This is not "designed for the safety and convenience of all potential users". (TA1B (a))

Recommendation. Refuse as contrary to the above Policies of the Perth and Kinross Local Development Plan (2014).

Yours sincerely,

Alastair Lavery
for Fossoway & District Community Council

P&KC 3.9.14

Memorandum

To	Head of Development Control	From	Regulatory Services Manager
Your ref	PK14/01308/FLL	Our ref	NK
Date	5 September 2014	Tel No	(01738) 476 444

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK14/01308/FLL RE: Erection of 7no. dwellinghouses, formation of access road and associated infrastructure Land 100 Metres South Of Merryorchard Rumbling Bridge for Johnson Family

I refer to your letter dated 20 August 2014 in connection with the above application and have the following comments to make.

Environmental Health (assessment date - 5/09/2014)

Recommendations

I have no adverse comments in relation to the application.

Comments

The applicant wishes to erect seven dwellinghouses, an access road and associated infrastructure works on an area land mainly sitting as open fallow grassland.

The application site has housing to the North and East, a large nursing home to the South and woodland to the East.

In view of the above it is my opinion that there are no noise or odour issues which will adversely impact the amenity of the proposed residential development and I therefore have no objections to this application being granted.

NK.

CHX Planning Local Review Body - Generic Email Account

From: [REDACTED]
Sent: 12 February 2015 15:47
To: CHX Planning Local Review Body - Generic Email Account
Subject: Appeal Ref : TCP/11/16(338)

We wish to note our objection to the appeal for the proposed building of 7 dwelling houses and 3 story tower on the greenfield site south of Merry Orchard, Rumbling Bridge. Our objections relate to the following points which have been raised.

1. *The appellant is contesting the line of the settlement boundary and considers that the proposed site should be located within the boundary limit.* The development is proposed for a greenfield site running adjacent to the gorge walk – this has been specifically designated as being outwith the defined settlement boundary for Rumbling Bridge. This local plan was devised through a lengthy consultation and capacity study by David Tyldesley Associates together with numerous public meetings and representations. To overturn this decision would make a mockery of the due process and all those involved.
2. *The appellant would like to offer an area to the East of the site to be set aside for a parking area for gorge users* - this amenity would be of no consequence or value as it has already been fulfilled by a previous developer for that same purpose (Please see planning application reference 10/02053/FLL)

In conclusion, the above are not material planning considerations and the applicant does not provide any further evidence to justify departing from the local plan.

Yours faithfully,

Caroline & Gordon McCaig

CHX Planning Local Review Body - Generic Email Account

From: [REDACTED]
Sent: 12 February 2015 00:03
To: CHX Planning Local Review Body - Generic Email Account
Subject: Re: TCP/11/16(338)

Dear Gillian Taylor

Re Erection of 7 Dwelling houses South of Merry Orchard

In response to the Applicant applying for a review of the decision by PKC and the Planning Committee I would like to make the following comments. This site is quite clearly out with the village boundary and is adjacent to the gorge an area of outstanding landscape value and a tourist area. The applicant has offered to provide a car park for the Gorge as a planning gain - Thomson Homes who have built four houses in Rumbling Bridge and have on going applications to build further houses have an obligation to build a car park which was to be completed before any one occupied the houses - we are still waiting for this to be enforced although the houses have been occupied for two years - we do not need another car park. The village has seen quite significant development and now is the time to listen to local opinion and uphold the local plan and retain the character of the village. This is a builder trying to turn green belt/agriculture land into profit and the Local Review Body are our last resort to enforce the local plan. I would ask that you refuse this application and continue to ensure that developers look at brown field sites and inner town sites with infrastructure that are more appropriate for development.

thank you for your attention

Christina Ritchie

