

**LRB-2022-07**  
**21/01675/IPL – Residential development (in principle),**  
**land 45 metres south of Oaklea, Kinfauns Holdings, West**  
**Kinfauns**

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**LRB-2022-07**

**21/01675/IPL – Residential development (in principle),  
land 45 metres south of Oaklea, Kinfauns Holdings, West  
Kinfauns**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100472679-004

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

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: <input type="text"/>
First Name: *	<input type="text" value="James"/>	Building Number: <input type="text" value="1"/>
Last Name: *	<input type="text" value="Irvine"/>	Address 1 (Street): * <input type="text" value="Rose Crescent"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Perthshire"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH1 1NS"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="jamesirvine@positivemortgages.co.uk"/>	

## 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 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Land to west of Kinfauns, north of Walnut grove

Northing	<input type="text" value="722140"/>	Easting	<input type="text" value="313851"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Proposed 5 dwelling houses

## 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 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 statement

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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

Location plan, Block Plan, Statement, Refusal Document

## Application Details

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

21/01675/IPL

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

14/10/2021

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

11/01/2022

## 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

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: Mrs Alison Arthur

Declaration Date: 03/03/2022







Arthur Stone Planning  
& Architectural Design

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## Statement of Reasons for Seeking Review

On behalf of Mr James Irvine

Request for Review in respect of refusal of planning application by Perth  
& Kinross Council

21/01675/IPL  
Residential development (in principle)

Land 45 Metres South Of Oaklea, Kinfauns Holdings West, Kinfauns



View of site towards west from Walnut Grove

## 1.0 Background

1.1 This statement has been prepared for Mr James Irvine (the applicant) and is submitted in support of his request for review of planning application 21/01675/IPL.

1.2 The applicant submitted an application to Perth & Kinross Council (the Council), validated 14 October 2021. The application was refused by the Council on 11 January 2022.

1.3 The plans and documents submitted as part of the application have not been submitted again with this request for review as they are contained within the Council's own application file. The submitted Planning Statement is attached as an Appendix to this Statement to provide detail of background to the site, to supplement this Statement and allow for this to be a more succinct submission.

1.4 The application was refused planning permission for three reasons, each considered below. The statement below responds to each of these reasons for refusal and sets out our client's case in seeking review of the Appointed Officer's decision.

1.5 The applicant welcomes the Local Review Body's consideration of this application and, with respect, seeks support in gaining consent for this proposal in Kinfauns.



View of site towards east from Walnut Grove



Planting can add colour and interest to an area as well as providing vital habitats



Potential for creation of 'community space' and biodiversity benefits as part of the proposal.

Extract from PKC Placemaking Supplementary Guidance 2020



1.6 In summary:

- The application site is a small field lying within Kinfauns, south of the Old Dundee Road and north of Walnut Grove. It is currently in grass, although unused as its size and characteristics make it unsuitable for agricultural use. The field is shown as 'open space' in LDP2 but is not maintained by the Council. The field is unsuitable for agricultural use.
- This application proposes a use for the site, providing an element of new housing accompanied by creation of useable and attractive public open space. The Council has sought to provide 'community space' on this land in the past and this application provides this opportunity.
- The Council's internal Community Greenspace consultation provides supportive comments on the public open space allocation, making no objection to the proposal.
- The applicant seeks to work with the Council and the local community to develop a proposal which meets with their vision for a 'community space'. There is potential for various options which can provide open space and enhanced visual amenity and biodiversity. Ideas could include seating and picnic/barbecue areas, paths (including off-road access alongside the Old Dundee Road), wildflower meadow, community planting areas or orchard and play space.
- The proposal provides an opportunity to enable this space to become an asset, recognising that although Kinfauns is a sizeable community there is no available shared public open space. Title for the open space would transfer to the Council, along with maintenance payment.
- Although the description of this proposal is 'residential development' the application is 'in principle' and it is therefore within the Council's power to determine a reasonable balance of housing and open space, through a future detailed application. The submitted 'indicative' plan is only a 'suggestion' and unfortunately has been given undue weight in the assessment of this proposal as stated in the Report of Handling.
- This proposal can be supported in terms of the principle of development – being development within a settlement and achievable without detriment to identified open space. A future detailed application will ensure that the number of units in the built element, the layout and the design is appropriate to the area.
- Small scale housing development, alongside public open space, can be achieved without detriment to the character and amenity of the surrounding area.
- This proposal, **in principle**, can be demonstrated to meet with the terms of the Council's policies and gains support from the Perth & Kinross Local Development Plan 2 (LDP2) and related Supplementary Guidance, including Placemaking.
- With respect, the applicant seeks the support of the Local Review Body in approving this application in Kinfauns.

## **2.0 Background**

2.1 The proposal relates to a small field, approx. 0.81ha, lying between the Old Dundee Road and Walnut Grove, and forming part of the larger settlement of Kinfauns. The land is unused grassland, almost entirely bounded by tall hedging and trees. The land is identified in Perth & Kinross Council's Local Development Plan 2 (LDP2) as 'open space' within the Kinfauns settlement boundary, although it has previously been out with the boundary. The area is not 'Council maintained open space'.

2.2 Historically, dating back to the 1990's and 2008, applications for residential development on the site were refused. Notably, the site was not included in the settlement boundary at that time and the proposal was contrary to 'housing in the countryside' policy. The settlement boundary is now extended to include this area. It is noted that the Council's draft replacement Local Plan, dating back to 2004, indicated that the Council sought to acquire this land as a 'community space.'

2.3 The submitted Planning Statement, attached as Appendix 1, contains additional detail of the site and its surroundings and fuller background to the proposal, along with justification in terms of the Council's LDP2 policies and related guidance. We urge the members of the Local Review Body to refer to the Planning Statement.

## **3.0 The Proposal**

3.1 This application seeks to provide a small-scale housing development alongside the provision of a substantial part of the site as public open space. The proposal provides an opportunity to enable the overall enhancement of the site, providing useable public open space, landscape and biodiversity benefits. This will support the Council's aspiration that this area become a 'community space', as referred to in 2.2. The applicant seeks to work with the Council and the local community to provide appropriate use of the space for local benefit. The space can then become an area in active use. Although Kinfauns is a rural location with access to core paths, it has no public open space that provides a focal point for the community.

3.2 The recent consent for housing development to the west of the site (20/00359/FLL) does not include similar provision of an extensive area of open space, with its required open space located as small areas throughout the proposed layout. It is noted that in the determination of that application representations submitted sought a play area within the site. Although not required for that site, or this proposal, the applicant would be keen to include a play area within the open space if sought by the community.

3.3 The current situation is that the application site is land that will not be adopted by the Council for maintenance. The applicant cannot assume the burden of its maintenance or enhancement and the area is unsuitable for agricultural use. This proposal provides an opportunity. A small-scale development will enable the Council's adoption of the open space, with the applicant transferring land title and making appropriate payments for future maintenance.

3.4 The applicant submitted an **indicative** layout with the planning application, proposing the development of 5 dwellinghouses on the site, occupying approximately one half of the site, accessed to the north from the old Dundee Road using a single access. This **indicative** layout showed proposed open space to the west and east side of the site, with opportunity for pedestrian/cycle access along the length of the old Dundee Road, providing a route with improved amenity, distanced from the carriageway, and protecting the hedge from potential construction damage.

3.5 We wish to emphasise that the indicative block plan is a **suggestion, only**, to demonstrate one example of how houses could be located on the site. A future design process would take the concept of housing on the site through to a detailed design solution – fully addressing the qualities of the site, Walnut Grove, and the wider area. **There are many potential scenarios which could be envisaged: detached, semi-detached or terraced housing; a smaller number of units; greater area of open space and including open space between houses and Walnut Grove.** In any case, the future design process would ensure that proposed dwellinghouses are appropriate in the context of those properties on Walnut Grove and the surrounding area.

3.6 This application has been made for ‘planning permission in principle’ and the applicant seeks to establish the acceptability of the principle of an element of residential development on the site. We are concerned that the submitted plan has unduly influenced the decision of the Appointed Officer. The Report of Handling includes that ‘the indicative design and layout is not in keeping with the character and amenity of the settlement and would be contrary to placemaking policies that require proposals to contribute positively to the built. We understand that the Council can include in any consent that the indicative block plan is not an approved drawing. There would be no approved quantity of houses given the application description states only ‘residential development’.

3.7 In summary, the applicant seeks that the Local Review Body consider the potential of the site, **in principle**, for residential use and public open space, acknowledging that detailed design and layout would follow, to be fully considered by the Council in a further application.

#### **4.0 Response to Reasons for Refusal**

4.1 Section 25 (1) of the Town and Country Planning (Scotland) Act 1997 includes that ‘Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise – (a) to be made in accordance with that plan...’

4.2 The relevant Development Plan is the TAYplan Strategic Development Plan 2017 and the Perth and Kinross Local Development Plan 2019 (LDP). We do not believe that the proposal has strategic implications, and no further reference has been made to the Strategic Development Plan. The LDP provides the main basis for determining planning applications along with reference to guidance, including Perth and Kinross Council’s Placemaking Supplementary Guidance 2020.

## Reason for Refusal 1

4.3 The Council's first reasons for refusal is that:

1. The proposal is contrary to Policy 14A, Open Space Retention and Provision: Existing Areas, of the Perth and Kinross Local Development Plan 2 (2019). The proposal for residential development would dominate the site and would not meet any of the criteria for development on open space as set out in the policy.
- 

4.4 We contend that the proposal complies with LDP2 Policy 14: Open Space Retention and Provision (14A: Existing Areas) as it will retain and enhance the open space. The policy aims to control development on a variety of open spaces which *'have value to the community for either recreational or amenity purposes.'* The policy allows the loss of these areas in certain circumstances:

(a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.

(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.

(c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.

(d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision'

(extract from Policy 14A, LDP2)

4.5 In this case, criteria (b) and (c) apply to this proposal. The Council's Report of Handling contains no assessment of the proposal in terms of these criteria but briefly concludes that *'as the proposal is a residential development that will dominate the majority (sic) site, the proposal cannot be considered to meet any of the above criteria and therefore is contrary to the LDP2 open space policy.'* On this basis the principle of the development of the site was rejected by the Council's appointed officer. We contend that **it is inaccurate and misleading to conclude that the proposal will 'dominate the majority (sic) site' when there is no detailed proposal as planning permission in principle is sought.**

4.6 The Council's internal Community Greenspace consultation response does not make any objection to the proposal or note any concern that there will be loss of open space. The comments are supportive, including that, '*The indicative proposed block plan provided shows a good POS allocation and layout with proposed footpaths and a play area. For a development of this size however an equipped play area is not required.*' A future detailed proposal would seek advice from Community Greenspace on any benefit to be gained from equipped play space, although not required for this small development proposal.

4.7 In terms of criterion (b), the site is not currently a recreational resource for the community, and the representations submitted do not indicate that the area is valued for recreation. The Report of Handling suggests that the site has value in terms of the amenity of Walnut Grove, although a representation does refer to the open space not being 'in good order'. We believe that modest development on the site will enable its enhancement, providing accessible and attractive public open space, visual amenity and biodiversity benefits. The potential for planning conditions and a legal agreement can ensure the future maintenance and protection of the area for the benefit of the community. We contend that the proposal can be supported by Policy 14A, criterion (b).

4.8 In terms of criterion (c), we contend that there is no loss of a recreational facility. As noted in 2.2 above, the Council appears to have sought that the field become a 'community space'. There is no loss of recreational facility in terms of this criterion and the potential for provision of community space meets with the Council's aspirations and its policy objectives.

4.9 The proposal has been assessed by the Appointed Officer as 'dominating' the site. For this to be the case, a proposal would need to be a commanding presence, to dwarf the site and to be significantly different from other elements in the visual composition of the site and its surroundings.

4.10 We contend that a sensitive proposal **will not** '*dominate the site*', as stated in the Reason for Refusal or the '*the majority (sic) site*' as referred to in the Report of Handling. A detailed further application will enable the Council to ensure that there is an appropriate balance between residential development and enhanced open space. As referred to in section 3.0 above, there is opportunity for a greater area of open space than that suggested by the submitted Indicative Block Plan, including adjacent to the boundary with Walnut Grove. There are many possibilities for a high-quality layout on the wider site which could provide for open space and residential development and would be fully explored during the detailed design process, from concept to solution.

4.11 We seek the Local Review Body to consider the benefits to be gained from a sensitive housing layout on this site. The future design process, leading to a detailed design and layout of the site, will achieve high quality development complying with the Council's Placemaking requirements.

## Reasons for Refusal 2

2. The proposal is contrary to Policy 1A and 1B b), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as residential development on the site would result in the loss of the landscape buffer between the old Dundee Road (U202) and Walnut Grove which would have an adverse impact on the character and visual amenity of the place and would not contribute positively to the quality of the surrounding built and natural environment.
- 

4.12 We contend that the proposal will bring benefits to the surrounding area and is compliant with Policy 1A and Policy 1B b). Policy 1A states that:

‘Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.’

Policy 1B includes a number of criteria that a proposal should meet, with 1B (b) stating that all proposals should:

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

4.13 The Reason for Refusal makes no reference to the first part of Policy 1A, referring to climate change mitigation and adaptation. The second part of the Policy 1A refers to design, density and siting respecting the character and amenity of the place, creating improved links and new landscape and planting works.

4.14 We contend that the proposal will meet with the first part of Policy 1A as a detailed proposal will require to address climate change, mitigation and adaptation. The Report of Handling does not indicate that the proposal is non compliant with this aspect of the policy. The second part of Policy 1A relates to the design, density and siting of development. A future detailed proposal will provide links, landscape and planting works as required.

4.15 We note that the Reason for Refusal includes that the proposal will impact on the character and visual amenity of the place due to the ‘loss’ of the ‘landscape buffer’. We disagree that there will be ‘loss’ of the landscape buffer between the Old Dundee Road (U202) and Walnut Grove. A ‘buffer’ is a means of physically separating, and providing protection, between various activities. The effectiveness of a buffer is influenced by its characteristics and how it is managed. A future proposal will retain the fullest extent of the existing trees and hedging bounding the site, with the potential to further enhance the open area of the boundary to the south of the bus stop and throughout the site. The ‘buffer’ between Walnut Grove and the Old Dundee Road will therefore be retained.



4.16 However, it is confusing that the assessment of Visual Amenity in the Report of Handling makes no reference to the 'landscape buffer'. The relevant paragraph headed 'Visual Amenity' refers to development on the site having an adverse impact on visual amenity. Given there is no reference to a 'landscape buffer' it would be reasonable to assume that this was not a relevant issue in the assessment of visual amenity. We are puzzled that this has therefore become a reason for refusal in terms of Policy 1A: Placemaking.

4.17 The paragraph in the Report of Handling assessing 'Visual Amenity' in fact refers to:

- the proposal creating a *'more urban entrance to the settlement, changing its visual appearance...'*; and
- that the proposal would *'dominate the central section of the designated open space.'*

The proposal will create no change to the entrance to Kinfauns and can retain and enhance the value of the open space. The site is not located near either west or east entrance to the settlement and is bounded by linear development stretching along the Old Dundee Road to the east and the recent extensive development of Caledonian House to the west and consented residential development. (see annotated aerial photo below). The Report of Handling highlights this and refers to *'The site is also adjacent to an area with extant planning permission for housing. This is a linear settlement developed along the old road following the Tay into Perth from Dundee'*. We contend that this assessment does, in fact, support the proposal in that the site provides an appropriate gap providing an opportunity for development within the settlement. The site is largely screened by trees and hedging, which will be retained and enhanced, and therefore it is not envisaged that the proposal will create any substantial change to the appearance of Kinfauns. As noted in earlier paragraphs of this statement, this application is 'in principle' and we contend that it is unreasonable to conclude that the proposal would 'dominate' when there is no detail on which to base this conclusion.



Aerial photo of Kinfauns illustrating the application site within the centre of the linear settlement (Google Maps)

4.18 The reference to the 'landscape buffer' in the assessment section of the Report of Handling is within the paragraph headed 'Landscape'. In that paragraph it is referred to as providing a feature and that its development would be contrary to Policy 39: Landscape in terms of the 'historic and cultural dimension of the area's landscapes.' We have addressed the proposal's full compliance with Policy 39 in relation to the Reason for Refusal 3, in para 4.21 onwards below.

4.19 As referred to in the Planning Statement (para 6.10), Walnut Grove, and the field to its front, is in very limited view from the Old Dundee Road (U202), the field being surrounded by high hedging and trees. The only view of the crescent of cottages from the old Dundee Road is at the break in the roadside hedge alongside the bus stop, with only a partial view of the cottages at the west end of the row. New planting to the rear of the bus stop would effectively remove the public view of Walnut Grove. The row of cottages is only glimpsed at its west end when passing the junction of Walnut Grove at its east end with the old Dundee Road. (please refer to photographs below). Although the 'crescent' may be recognisable on a plan or aerial image, it is largely screened by trees and hedging – from both the perspective of users of the Old Dundee Road and from the single storey cottages on Walnut Grove. Although Walnut Grove is a row of traditional cottages, its qualities do not gain special protection as listed buildings or a conservation area. We believe that the value of the 'crescent' has been given undue importance in determining this application and overlooks the considerable benefits for the community to be gained through this proposal.

4.20 The Reason for Refusal includes that the proposal is contrary to Policy 1B (b), stated in 4.12 above. We refer the Local Review Body to the Appeal Decision, (11/02/2022) for application 20/00359/FLL (PPA-34—2142) land north-east of Highland Distilleries, lying to the west of this application site. In that Appeal the Reporter assessed the adjacent proposal in terms of Policy 1B (b). The Reporter concluded that in terms of site topography, *'The site is largely level and would remain so if developed as proposed so there would be minimal impact on the immediate topography. In terms of potential impact on the wider landscape, I have found above that the proposed development would comply with LDP Policy 39: Landscape. I consider the proposal would meet this criterion of the policy.'* Similarly, our client's proposed site need have no change to its topography and no impact on the wider landscape as it would also comply with LDP Policy 39: Landscape (as referred to in para 4.18 onwards, below). We therefore contend that our client's proposal meets with the terms of Policy 1B (b), contrary to the Reason for Refusal.

4.21 Overall, we contend that a modest proposal for residential development providing new managed open space, landscaping and improved biodiversity will make a positive contribution to the quality of the surrounding built and natural environment. A future detailed design will respect the character and amenity of the surrounding area, will create and improve links within and beyond the site and will incorporate landscaping and planting appropriate to the local context and nature of the development. In addition, the proposal will have no significant in terms of the wider landscape character of the area and a future detailed design solution would respect the characteristics of the surrounding area. We contend that the requirements of Policy 1A and Policy 1B (b) are met by this proposal and that Policy 1: Placemaking, in its entirety, can be met through the detailed design process supporting a future application



Site viewed looking east from old Dundee Road.



Site viewed looking west at east end of Walnut Grove







Site to rear of hedging - looking east at west end of Walnut Grove.



Site to rear of hedging - looking east along Old Dundee Road.

### Reason for Refusal 3

3. Approval would be contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019) as residential development on the site would erode local distinctiveness and the historic and cultural dimension of the local landscape.
- 

4.22 LDP Policy 39: Landscape supports development in designated Local Landscape Areas where there will be no significant adverse impact on its special character or qualities, or where any impacts are outweighed by social and economic benefits. The site lies within the Sidlaw Hills Local Landscape Area (LLA).

4.23 Walnut Grove, Kinfauns and Kinfauns Holdings has changed organically and grown significantly since the 19<sup>th</sup> century when the cottages were the only built development in the surrounding area. It is the case that the characteristics of the area include the growth of the Holdings, more recent development of Caledonian House and the consented housing development to the west of the application site. Walnut Grove is a part of the larger settlement, and we believe that its place in the history of the community can be retained while allowing for small scale future growth that will provide wider community benefit. We contend that the proposal is supported by LDP Policy 39: Landscape.

4.24 The Report of Handling does not specify what aspects of the Local Landscape Area's special character or qualities will be affected, only referring to 'local distinctiveness and the historic and cultural dimension of the local landscape.' The Landscape Supplementary Guidance 2020 identifies the special qualities of the Sidlaw Hills LLA as the volcanic hills with distinctive scarps and braes providing a backdrop to land to the south; accessible sport and recreation areas close to the city; heritage of hill forts, castles and designed landscapes; hidden glens, hillfoot villages and the dramatic cliffs, woodland and tower at Kinnoull Hill. Both Moncrieffe Hill and Kinnoull Hill are noted as viewpoints. We contend that none of these qualities is adversely impacted by this proposal.

4.25 We refer members of Local Review Body to the Appeal Decision (11/02/2022) for application 20/00359/FLL (PPA-34—2142) on the land to this west of this site at Highland Distilleries. The Reporter referred to the special qualities of the Sidlaw Hills Local Landscape Area and assessed that the proposal, although visible from Kinnoull Hill and Moncrieffe Hill, to the north and south, would be in the context of existing housing at Kinfauns, the large building at Caledonian House and the main road network. The Reporter concluded that the proposed development '*would not draw the eye as being out of place in terms of scale or design*' and '*would be seen in the immediate context of the existing houses to the north and east and the employment site to the west*'. The Reporter concluded that the proposed development '**would not have a significant adverse impact on the special character and qualities of the Sidlaw Hills Local Landscape Area**' and therefore complied with Policy 39: Landscape.

4.26 We contend that this assessment can also be applied to our client's application and it is reasonable to similarly conclude that the proposal is compliant with Policy 39:

Landscape, with no significant adverse impact on the special character and qualities of the Sidlaw Hills Local Landscape Area.

#### Summary

4.27 We contend that we have made a strong case for this proposal's compliance with Policies 1A and 1B (b): Placemaking, Policy 14A: Open Space Retention and Provision – Existing Areas and Policy 39: Landscape, contrary to the conclusion reached by the Report of Handling and the Reasons for Refusal.

### **5.0 Policy Considerations – Detailed Requirements**

5.1 We contend that the proposal is compliant with the detailed policy requirements of the LDP2 and related guidance. We note this is the case, as indicated in the Report of Handling, subject to the submission of information to further inform detailed aspects of the proposal and conditions attached to a consent. We have referred to detailed topic areas below. Topic areas of Design and Layout, Visual Amenity and Landscape are addressed in the statement, above, in terms of the Reasons for Refusal.

#### Residential Amenity

5.2 As noted in the Report of Handling, residential amenity is an issue to be assessed at a detailed application stage. A future proposal will fully address residential amenity in its design and layout, ensuring no detriment to neighbouring dwellinghouses and ensuring amenity for future occupants, in line with the Council's Policy and supplementary guidance.

#### Roads and Access

5.3 The Council's Transport consultation highlighted that the site is close to a bus stop and that there are paths in the area providing opportunities for walking and cycling. There was no objection to the proposal, noting that compliance with the National Roads Development Guide would be required for a full application. The applicant would fully address these requirements in a future detailed application.

#### Drainage and Flooding

5.4 We note that flood risk is an issue raised in representations and by the Council's Structures and Flooding, noting potential surface water issues in the western corner of the site. The recommendation of Structures and Flooding was that an indicative outline drainage design should be provided. The Report of Handling notes that no further detail was sought by the Council as the principle of development on the site was not supported.

5.5 The applicant is content to provide further information in terms of outline drainage design if this will assist the Local Review Body in its assessment and determination of the application and to ensure compliance with LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

#### Built Heritage and Archaeology

5.6 The proposal does not affect any conservation area of listed buildings. The Report of Handling highlights that the site is not within a conservation area and is not close to any listed buildings. Perth and Kinross Historic Trust has commented that there is the possibility

of prehistoric remains associated with the river to exist on the site and that an archaeological investigation should take place prior to the commencement of any development on site. The Report of Handling notes that a condition attached to a consent would be required. The applicant would be agreeable to such a condition, ensuring compliance with LDP2 Policy 28B: Archaeology.

#### Natural Heritage

5.7 We note the Council's Biodiversity consultation response, that no objection to the proposal is stated and that a tree survey to support future development would be required, with trees and hedging retained where possible. The response highlights that additional planting of native boundary hedging and other native planting would increase the biodiversity of the site and enhance connectivity in line with a key action in the Tayside Biodiversity Action Plan. This reflects the applicant's future intentions for the site and he would be agreeable to a condition requiring tree and ecological surveys, future biodiversity enhancement and planting as part of a future detailed proposal. We believe the proposal can be fully compliant with Policy 40: Forestry, Woodland and Trees, Policy 41: Biodiversity and Policy 42: Green Infrastructure.

#### Digital Connectivity

5.8 The Report of Handling indicates that information on digital connectivity would be required to support a detailed application. The applicant is content that the proposal will be compliant with Policy 59: Digital Infrastructure requiring developers to provide for digital infrastructure as an integral part of new build development.

#### Zero Carbon Technologies

5.9 A future detailed proposal would be designed to be fully compliant with the Building Standards and ensuring the installation of low and zero carbon generating technologies, compliant with Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development

#### Waste and Recycling

5.10 The Council's Waste Services noted detailed requirements for the site in terms of bin collection and recycling. A detailed application would ensure full compliance with the Council's requirements.

#### Developer Contributions

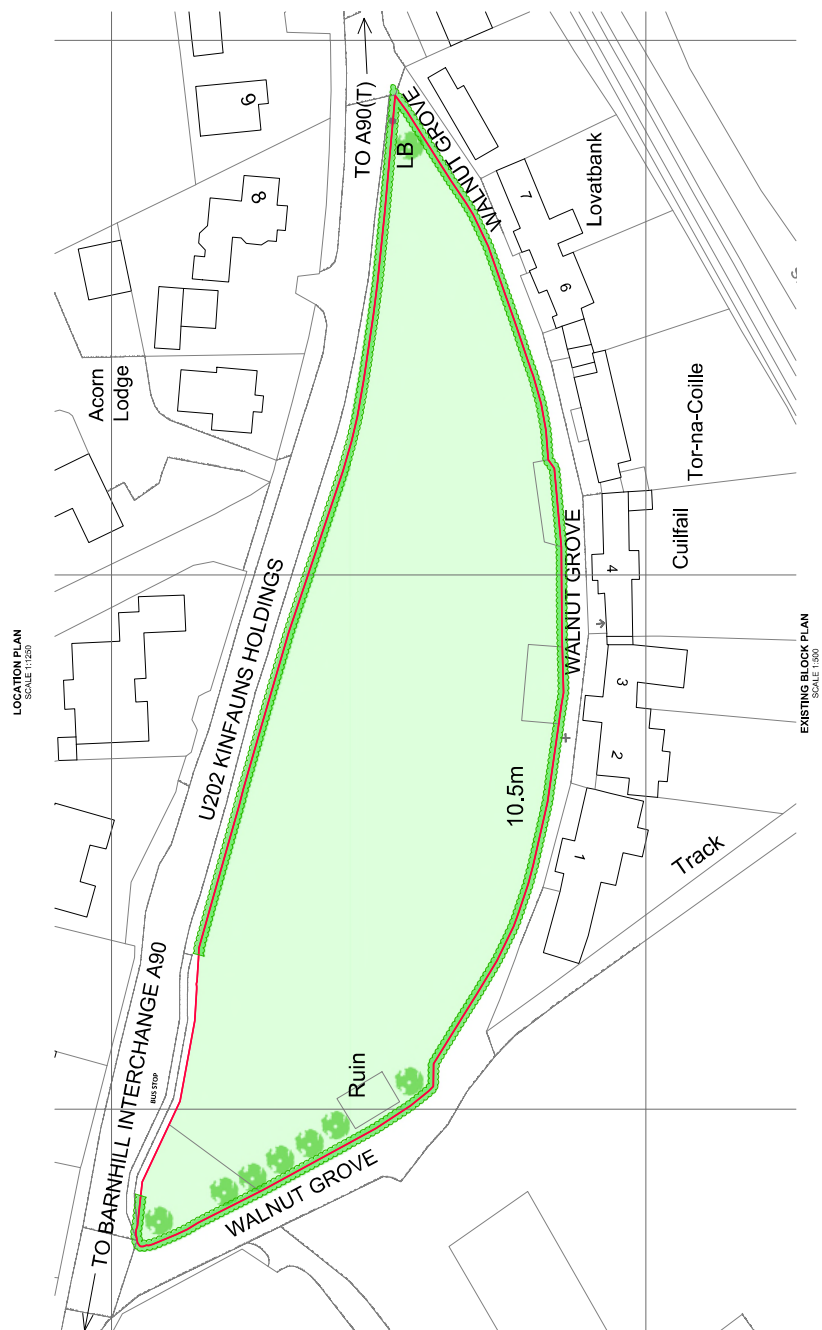
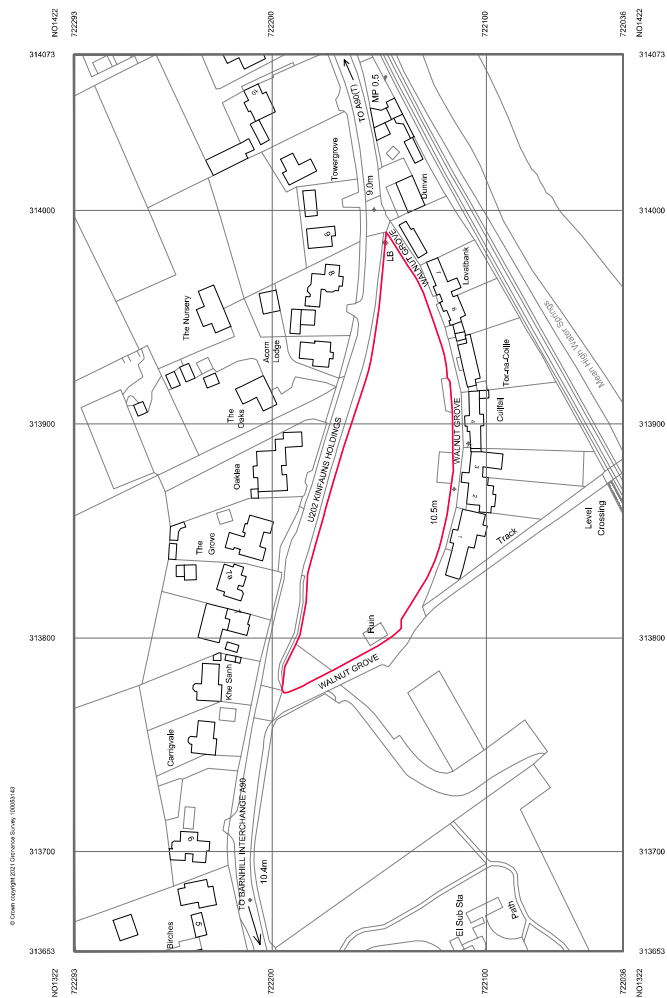
5.11 The applicant will contribute to the Council's contribution requirements, should they be sought for affordable housing (if exceeding the threshold of 5 units), transport infrastructure and primary education – as noted in the Report of Handling.

## 6.0 Conclusion

6.1 We contend that the proposal gains support from the policies contained in the Perth and Kinross LDP2 and its related Supplementary Guidance and seek the support of the Local Review Body in approval of this application.

- The application site is an unused field, identified as 'open space' in LDP2 but not maintained by the Council. The field is unsuitable for agricultural use.
- The applicant proposes working with the Council and local community to realise the potential for a 'community space' on this site, as sought by the Council, alongside a small-scale housing development. The Council's Community Greenspace section has provided supportive comments on the proposed public open space.
- A future detailed proposal can be prepared with the involvement of the local community and the Council. There are many possible options for open space and enhanced visual amenity and biodiversity.
- The proposed open space can become a community asset, with ownership passing to the Council along with payment for its future maintenance.
- This application is 'in principle' and the Council can decide the balance of housing and open space through a future detailed application. This application contains only a suggested 'indicative' plan. A future proposal can be a very different scenario.
- We believe that the 'principle' of development can be supported by the Council's Local Development Plan 2 (LDP2) and related Supplementary Guidance, including Placemaking 2020.







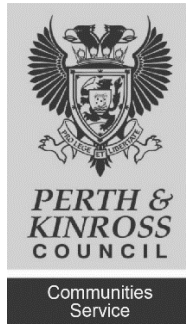
<p><b>LRB-2022-07</b> <b>21/01675/IPL – Residential development (in principle), land 45 metres south of Oaklea, Kinfauns Holdings, West Kinfauns</b></p>
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## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(part included in applicant's submission, page 143)*





Mr James Irvine  
c/o Arthur Stone Planning And Architectural Design  
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Alison Arthur  
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Newburgh  
KY14 6DA

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice : **11th January 2022**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **21/01675/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 14th October 2021 for permission for **Residential development (in principle) Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns** for the reasons undernoted.

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposal is contrary to Policy 14A, Open Space Retention and Provision: Existing Areas, of the Perth and Kinross Local Development Plan 2 (2019). The proposal for residential development would dominate the site and would not meet any of the criteria for development on open space as set out in the policy.
2. The proposal is contrary to Policy 1A and 1B b), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as residential development on the site would result in the loss of the landscape buffer between the old Dundee Road (U202) and Walnut Grove which would have an adverse impact on the character and visual amenity of the place and would not contribute positively to the quality of the surrounding built and natural environment.
3. Approval would be contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019) as residential development on the site would erode local distinctiveness and the historic and cultural dimension of the local landscape.

## **Justification**

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

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

### **Plan Reference**

01

02

03

04

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	21/01675/IPL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	13th December 2021	
Draft Report Date	7th January 2022	
Report Issued by	PB	Date 10 <sup>th</sup> January 2022

**PROPOSAL:** Residential development (in principle)

**LOCATION:** Land 45 Metres South Of Oaklea Kinfauns  
Holdings West Kinfauns

#### **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.

#### **SITE VISIT:**

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

#### **SITE PHOTOGRAPHS**





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for residential development in principle on land at Kinfauns Holdings near Perth. An indicative site layout has been submitted showing five detached houses set within a central part of the site with an area proposed as open space to the east and west.

Three applications for residential development have previously been refused on this site. The most recent application was refused in January 2008 (07/02132/OUT) which was dismissed on appeal in October 2008. An application (PK941216) for the erection of 5 houses was refused in October 1994 and an application (PK951653) for residential development was refused in January 1996.

The site is within the Kinfauns settlement as identified in the adopted Local Development Plan 2019 and zoned as open space. A core path runs along the western end of the site. It is also within the Sidlaw Hills Local Landscape Area.



## **SITE HISTORY**

PK941216 Erection of 5 houses – Refused

PK951653 Residential Development – Refused

07/02132/OUT Residential development and formation of public open space (in outline) 30 January 2008 Application Refused

## **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 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

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

### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 14A: Open Space Retention and Provision: Existing Areas  
 Policy 15: Public Access  
 Policy 17: Residential Areas  
 Policy 26B: Scheduled Monuments and Archaeology: Archaeology  
 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development  
 Policy 38A: Environment and Conservation : International Nature Conservation Sites  
 Policy 39: Landscape  
 Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy  
 Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development  
 Policy 41: Biodiversity  
 Policy 47: River Tay Catchment Area  
 Policy 52: New Development and Flooding  
 Policy 50: Prime Agricultural Land  
 Policy 53B: Water Environment and Drainage: Foul Drainage  
 Policy 53C: Water Environment and Drainage: Surface Water Drainage  
 Policy 53E: Water Environment and Drainage: Water Supply  
 Policy 57: Air Quality  
 Policy 59: Digital Infrastructure  
 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## OTHER POLICIES

Developer contributions – supplementary guidance – 2020  
 Placemaking – supplementary guidance – 2020  
 Planning for Nature: Development Management and Wildlife Guide (draft) 2021

## CONSULTATION RESPONSES

### External

West Carse Community Council

Object to proposal:

- Area is designated open space in the Development Plan;
- Would be an adverse impact on the character and amenity of the area;
- Issues with drainage and poor porosity of the soil; and
- The site has previously had planning permission refused so should be refused again.

Scottish Water

No objection. No Scottish Water waste water infrastructure in the area. Private options should be considered.

## **Internal**

Transport Planning  
No response in timescale.

Development Contributions Officer  
Conditions required with regard to potential developer contributions for affordable housing, education and transport.

Structures And Flooding  
Further information required with regard to surface water drainage.

Community Greenspace  
Advice given with regard to open space standards.

Planning And Housing Strategy  
Contrary to the LDP2 open space policy

Biodiversity/Tree Officer  
Conditions required with regard to biodiversity, trees and wildlife.

Community Waste Advisor - Environment Service  
Advice provided with regard to bin collection, recycling and access for bin lorry.

Perth And Kinross Heritage Trust  
Archaeological investigation required. Recommend pre-commencement condition.

## **REPRESENTATIONS**

The following points were raised in the 12 representations received. The representations include an objection from the West Carse Community Council:

- Contrary to Development Plan - Area is designated open space;
- Adverse impact on the character and amenity of the area;
- Issues with drainage and poor porosity of the soil;
- Lack of mains sewerage;
- Flood risk;
- History of refusals on site, should be refused again;

- Impact on visual amenity
- Impact on residential amenity – overshadowing;
- Traffic and road safety – access close to bus stop, lack of pavements;
- Loss of trees;
- Impact on wildlife;
- No requirement for play park – noise impact;
- Loss of / change to view; and
- Construction noise.

The issues above will be considered in the appraisal section of the report with the exception of the last two points. It is noted that the loss of view is not a material planning consideration and that construction noise is a short term impact controlled by the site manager/developer. It is not a material planning consideration for this application.

## **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted/Not Required

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

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 proposal is for a residential development in principle to be sited within a central area of the Kinfauns settlement boundary. The site is currently designated as open space in the Perth and Kinross Local Development Plan 2 (LDP2). The site is also adjacent to an area with extant planning permission for housing. This is a linear settlement developed along the old road following the Tay into Perth from Dundee.

Policy 14A: Existing Areas specifically states that “loss of these areas will not be permitted except in circumstances where one or more of the following apply”:

- The proposal is ancillary to the recreational use
- The proposed development is minor and will not affect the main use of the site
- It will provide a better-quality facility
- It involves a playing field strategy

As the proposal is a residential development that will dominate the majority site, the proposal cannot be considered to meet any of the above criteria and therefore is contrary to the LDP2 open space policy.

The principle of development of the site is therefore not supported. Other aspects of the proposal will be addressed in the report below.

## **Design and Layout**

This application is being refused as the principle of development at this site is contrary to Development Plan open space policy. The indicative site plan shows development for five houses with open space to the west and east. This would occupy a substantial area of the designated open space which currently contributes to the setting of the settlement and specifically to the setting of the crescent of cottages at Walnut Grove. The indicative design and layout is not in keeping with the character and amenity of the settlement and would be contrary to placemaking policies that require proposals to contribute positively to the built and natural environment.

Community Greenspace has commented on the indicative layout and would require further detail on the path standard and landscaping of any proposed Public Open Space. It is noted that there is no requirement for an equipped play area.

## **Landscape**

The site is bounded largely by mature hedging and trees. Policy 39, Landscape, requires proposals to be compatible with the distinctive characteristics and features of Perth and Kinross’s landscapes. The site is part of the Sidlaw Hills Local Landscape Area. In this case the open space provides a buffer between the old Dundee Road and the dwellinghouses at Walnut Grove. The crescent shaped space has been a feature of the settlement since the houses were constructed. Development of the site for housing would erode local distinctiveness and the historic and cultural dimension of the area’s landscapes. As such it would be contrary to Policy 39 a) of LDP2.

## **Residential Amenity**

The application is in principle. The impact on residential amenity such as privacy, overlooking, overshadowing and provision of private amenity space would be fully assessed should a detailed proposal be submitted.

## **Visual Amenity**

The indicative site layout shows a development that would dominate the central section of the designated open space. This would create a more urban entrance to the settlement, changing its visual appearance and impacting on the integrity of the existing open space designation. Development of the site would therefore be likely to have an adverse impact on visual amenity.

## **Roads and Access**

Vehicular access to the site is to the north from the old Dundee Road. There is a bus stop close by and a number of paths in the area that provide opportunities for walking and cycling to and through the site. This application is being refused. However further details of compliance with the National Roads Development Guide would be required should a full application be submitted.

## **Drainage and Flooding**

**Concerns have been expressed with regard to potential surface water issues in the western corner of the site.** This includes concerns over poor porosity of the clay soils. PKC Flooding has been consulted and notes that this risk is also highlighted by the SEPA Flood Hazard Maps (surface water layers). It is further noted that no details have been provided regarding how surface water will be dealt with, although it is noted that a drainage strategy will be submitted alongside any future detailed applications. Any drainage design is required to be in line with the requirements set out in the [Flood Risk supplementary Guidance document](#). This should also be designed to accommodate any existing surface water issues on the site.

PKC Flooding has requested further information and that an indicative outline drainage design be provided, to ensure a feasible drainage design can be achieved.

As the principle of development of the site is not being supported additional drainage information has not been requested at this stage. However should a further application be submitted or this application be approved further

drainage information would be required for both surface water and foul drainage infrastructure.

### **Conservation Considerations**

The site is not within a conservation area and not close to any listed buildings.

However the site does have some archaeological potential given its location and historical context. Perth and Kinross Heritage Trust (PKHT) has commented that there is a possibility of prehistoric remains associated with the river to exist on the site. PKHT recommend that archaeological evaluation should take place to assess the presence / absence character and significance of archaeological deposits on the site prior to any development commencing. If the application is approved a condition with the regard to this would be attached.

### **Natural Heritage and Biodiversity**

The site is bounded by trees and hedgerows. Policy 40, Forestry, Woodland and Trees, applies and requires existing woodland to be retained unless unavoidable. Policy 41 requires protection and enhancement of all wildlife and wildlife habitats such as the existing hedgerows.

The application is in principle and limited information with regard to trees and biodiversity has been provided. The application is being refused however conditions would be attached with regard to trees and biodiversity should the application be approved.

### **Digital connectivity**

Policy 59, Digital Infrastructure, requires there to be satisfactory digital access and services available, or capable of being provided, by a developer for all proposals. Development should not exacerbate any existing access or connectivity issues and appropriate mitigation measures should be included as part of the development. Information on digital connectivity would be required should a detailed application be submitted.

### **Zero carbon technologies**

Policy 32 of the Local Development Plan requires all proposals to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. Information to satisfy this requirement will be required to accompany any detailed proposal on this site.

## **Waste and Recycling**

Waste Services has commented and notes that bins will be collected from the public road (U202). It is advised that the developer is required to install a bin collection point with hard standing at the entrance to the site. The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres, have a level gradient and a smooth surface; use dropped kerbs where appropriate. It is further noted that the developer should note that Perth & Kinross council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin.

An informative note would be included should the application be approved.

## **Developer Contributions**

### **Affordable Housing**

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

The application proposes five dwelling houses, which would mean that the Affordable Housing Policy would apply.

### **Primary Education**

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

This proposal is within the catchment of Kinnoull Primary School.

### **Transport Infrastructure**

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

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

Conditions to ensure compliance with policy 5 would be added should the application be approved.



## **Economic Impact**

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

## **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

## **Conditions and Reasons**

1 The proposal is contrary to Policy 14A, Open Space Retention and Provision: Existing Areas, of the Perth and Kinross Local Development Plan 2 (2019). The proposal for residential development would dominate the site and would not meet any of the criteria for development on open space as set out in the policy.

2 The proposal is contrary to Policy 1A and 1B b), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) as residential development on the site would result in the loss of the landscape buffer between the old Dundee Road (U202) and Walnut Grove which would have an adverse impact on the character and visual amenity of the place and would not contribute positively to the quality of the surrounding built and natural environment.

3 Approval would be contrary to Policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019) as residential development on the site would erode local distinctiveness and the historic and cultural dimension of the local landscape.

### **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**

There are no relevant Informatives.

### **Procedural Notes**

Not Applicable.

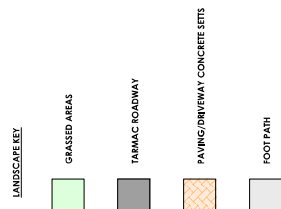
## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01

02

03

04





## Planning Statement

Planning permission in principle for residential development (5 dwellinghouses), open space, landscaping and associated works.

Land to the north of Walnut Grove, West Kinfauns

September 2021



Arthur Stone Planning  
& Architectural Design



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- 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS**
- 8.0 CONCLUSION**

## 1.0 INTRODUCTION

1.1 Arthur Stone Planning & Architectural Design Ltd has prepared this statement to assist in the Council's assessment of the application, in principle, for residential development, access and open space on land to the north of Walnut Grove, Kinfauns. The proposal is addressed in the context of relevant planning considerations.

1.2 The site extends to approx. 0.81ha and is currently vacant grass with the ruin of a building at its western edge. It is bounded for most of its perimeter by mature hedging and trees. The proposal includes residential development, access and the creation of useable and attractive open space for community use.

Location Plan and Block Plan (existing)





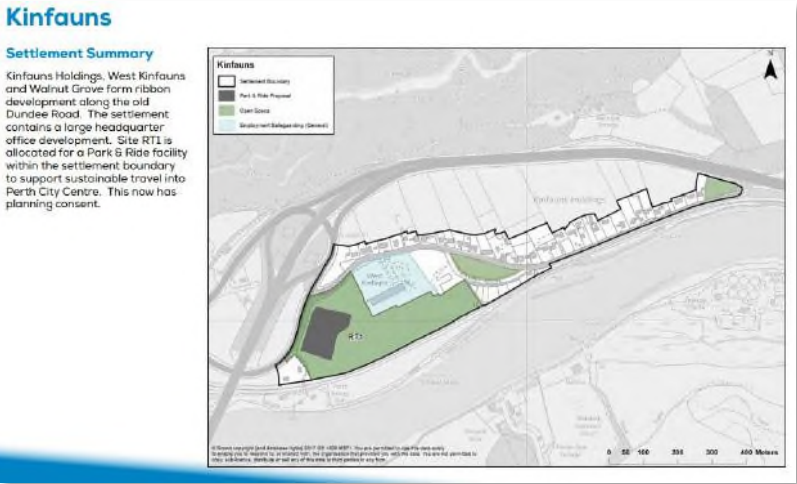
2.0 SITE CONTEXT AND DESCRIPTION

2.1 The application site, approx. 0.81ha, lies to the north of Walnut Grove, Kinfauns. Kinfauns lies to the SE of Perth, comprising a settlement, mainly smallholdings, forming a ribbon along the north side of the old Dundee Road, close to the north bank of the river Tay. The settlement is contained within the bounds of the Perth-Dundee rail line and the river, to the south/east and the A90/M90 to the north/west.

2.2 Kinfauns is identified as a settlement in the Perth & Kinross Local Development Plan 2 (2019) (LDP2), formed from Kinfauns Holdings, West Kinfauns and Walnut Grove. (extract from LDP2 below). The settlement is characterised by the nature of its layout relating to the smallholdings and the associated bungalows and outbuildings, although now significantly altered and with additional development.

2.2 Walnut Grove is an older part of the settlement that the mid 20C Holdings. It as is formed from a row of traditional cottages lying to the south of the old Dundee Road and separated from it by the application site. The cottages are accessed by a private road forming a loop off the old Dundee Road, with access at both the east and west ends of the row. The cottages have rear gardens extending south towards the river, well enclosed by established planting and boundaries. The private road is bounded to the north by hedging and trees.

2.3 A new headquarters office building, Caledonian House, lies to the west end of Kinfauns. The land to the west of the application site, between Walnut Grove and Caledonian House, has a recent planning history, formerly a works site and now with consent for housing development, referred to in 3.0, Planning History. An area to the west of Caledonian House is identified in the LDP as a Park & Ride Proposal, with planning consent. (extract from LDP2 Action Programme below). The LDP2 shows areas of land identified as 'Open Space' within Kinfauns, including the application site (as shown on extract from LDP2 below). It is noted that a proposal has been submitted at a pre application stage for a mixed use development on the land surrounding Caledonian House.



Extract from LDP2:2019

RT1	West Kinfauns Park & Ride, Kinfauns	Development proposal including flood risk assessment	Commenced	No	Perth & Kinross Council; Transport Scotland; Tactran	Planning permission (15/01808/FLM). There is a pending planning application on this site updating the permission (18/02232/FLM). The site has recently changed ownership and discussions are ongoing with the new owner. Included in RTS and Delivery Plan Project PR2.5.
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Extract from LDP2 Delivery Programme 2019-2029 (update 2020)

2.4 The application site is identified on the LDP2 Settlement Summary map as 'Open Space'. The site has the appearance of a small grass field, although it is unused. The ruins of a former building/shed are evident in the west part of the site. It does not appear that the site has any recreational use by the community and it is not an area which is known to be maintained by the Council. The field is very well enclosed by mature hedging and trees and is currently only accessible from the Walnut Grove private road. The photographs on page 6 illustrate the site features.

Photographs illustrating application site



Photo 7  
shown on  
page 6





### 3.0 PLANNING HISTORY

3.1 A previous application, in outline, for residential development and the formation of public open space on the same site was decided in December 2008 (07/02132/OUT), having been refused by the Council and dismissed on appeal to the Scottish Government. At the time of the application, the site was out with the Kinfauns settlement boundary, as shown in the Adopted Perth Area Local Plan 1995, at that time. Two earlier applications, in the 1990s, were also refused, again with the site being outwith the settlement boundary, with these applications assessed as contrary to 'housing in the countryside' policy. Subsequent Local Plan/Local Development Plans expanded the settlement boundary to include office and housing development to the west of the application site and the site is now brought the site within the Kinfauns settlement boundary, identified as 'Open Space'.

3.2 It is noted in the Reporter's Decision that he included reference to the draft replacement Local Plan of December 2004 and that *'Paragraph 12.25 in this plan contains a (slightly ambiguous) hint of potential council acquisition to provide "a community space" on the appeal site'*. (Decision Notice for appeal P/PPA/340/687, Oct 2008)

3.3 It is noted that the Reporter referred to the maintenance of the setting of the 'estate' cottages on Walnut Grove in contributing to his Decision.

3.4 There are several other planning applications which are relevant to the consideration of this site. Land to the west of the Walnut Grove private access, gained consent for residential development, in outline (04/01739/OUT), in 2005 with a further application for approval of matters specified in conditions granted in 2010 for 37 dwellinghouses (09/01845/AML). Although the site has not been developed the consent is extant, having been confirmed by the Council as implemented. A more recent application for the erection of 15 houses and associated works (20/00359/FLL), on the northern part of this already consented site, was recommended for approval but subsequently refused by the Planning & Development Management Committee on 28/07/21. The reasons for refusal included:

- issues of road safety, in particular in relation to the proposal for several accesses on to the old Dundee Road ; and
- impact on amenity with reference to the site layout, the proposal for two storey dwellings being out of character with the area and that the proposed dwellings could have been set back to lessen this impact.

3.5 An application for the formation of a park and ride facility was approved in 2016 on land to the west of Caledonian House and adjacent to the west bound link road of the A90/M90, as identified as a Local Development Plan proposal (RT1) (15/01808/FLM). Subsequently, a Proposal of Application Notice PAN was submitted in March 2021 for a mixed use development comprising hotel, museum, holiday accommodation, retail and potential park and ride facility at Caledonian House (21/00001/PAN), occupying the full extent of the land between Walnut Grove and the M90, excepting the area which was the subject of application for 15 houses, fronting the old Dundee Road (20/00359/FLL).



Walnut Grove access looking east, with site to north behind hedge

## 4.0 PROPOSAL

4.1 This application seeks to achieve sensitive development of this site, creating an opportunity for small scale housing development reflecting the character of Kinfauns Holdings and Walnut Grove, alongside enhancing the value of the site in terms of its open space.

4.2 The applicant proposes the development of 5 dwellinghouses on the site, accessed to the north from the old Dundee Road, using a single access. The plots for the dwellinghouses occupy approx. one half of the site with the remainder of the site available as public open space. The proposed open space to be retained could provide opportunity for pedestrian/cycle access along this length of the old Dundee Road, providing a route with improved amenity, distanced from the carriageway, and protecting the hedge from potential construction damage. An indicative block plan is included on the following page to illustrate the potential of the site to accommodate residential development along with enhanced open space.

4.3 It is intended that the dwellinghouses should reflect the character of Kinfauns Holdings and Walnut Grove, being predominantly bungalows and cottages, and should be no more than single storey and attic in height. Plot sizes will also reflect the general character of the area.

4.4 Although detailed matters will be considered in any future application, the indicative site plan demonstrates a plot size sufficient to accommodate five dwellinghouses providing appropriate garden ground and parking space and maintaining residential amenity for both neighbouring properties and the new development.

4.5 It is envisaged that the design process for a future application will enable the housing development to be well integrated with the surrounding open space and respect the setting of Walnut Grove. We believe that partial development of the site can respect the setting of the cottages and provide for additional community benefit. As shown on the photographs, page 6, the row of cottages on Walnut Grove, set to the rear of the open space, is only appreciated from a limited viewpoint—at the west end of the frontage with old Dundee Road, beyond the bus stop/shelter. A future layout could maintain and enhance this view through the positioning of the proposed houses and landscaping.

4.6 The applicant is keen to achieve the provision of open space alongside the dwellings which meets with the Council's expectation that open spaces will contribute to green infrastructure and benefit people and wildlife. As referred to in para 3.2 there is a suggestion that the Council may have wished to enhance this field to provide a 'community space' and this application presents an opportunity for the applicant to provide this as part of the proposal. Through engagement with the Council and the community it is hoped that the open space could have potential to provide for equipped play space or pitch, natural/semi natural open space, green corridors/core path or functional space such as a community orchard.

4.7 We believe that residential development of part of this site can bring with it overall benefits for the community through enhancement of the open space. The future detailed layout will ensure the dwellings sit within the context of Walnut Grove and the wider settlement and landscape and that the important features of the site, notably its mature enclosure with trees and hedging is protected and included within the future development design. It is anticipated that the open space can gain biodiversity benefits and become a space which has a particular identity and use for the community, providing for recreation and amenity.

**Indicative** Block Plan for proposed residential development



## 5.0 PLANNING CONSIDERATIONS

### Introduction

5.1. Scottish Planning Policy 2014 (revised 2020) (SPP) reinforces that the Town and Country Planning (Scotland) Act 1977 requires decisions to be made on planning applications in '*accordance with the development plan unless material considerations indicative otherwise. Proposals that accord with development plans should be considered acceptable in principle and the consideration should focus on the detailed matters arising*'. (SPP, para. 32)

5.2 The Development Plan which applies to this site is the Approved TAYplan Strategic Development Plan 2016—2036 (2017) and the Adopted Perth & Kinross Local Development Plan 2019. Perth & Kinross Council's supplementary guidance is also a consideration in the assessment of this proposal, including the Housing in the Countryside Supplementary Guidance 2020 and Placemaking Supplementary Guidance 2020.

5.3 The TAYplan Strategic Development Plan 2013 is the strategic planning framework for the southeast Scotland area and sets out key areas of strategic direction for the preparation of Local Development Plans. Its strategy and policies are relevant to this proposal in several topic areas where its strategic direction is implemented through the strategy, policies and proposals of the Perth & Kinross Local Development Plan 2019 (LDP2).

5.4 The Perth and Kinross Local Development Plan 2: 2019 (LDP2) contains the Council's policies and proposals to guide its decision making in relation to development and the use of land. The application site lies within the Kinfauns settlement boundary and is shown as 'Open Space'.

5.5 Kinfauns lies within the Sidlaw Hills Local Landscape Area, as defined in LDP2 and is within the Greater Perth Housing Market Area.

5.6 There are no built heritage designations relevant to the site. In terms of natural heritage, the site lies approx. 100m from the River Tay Special Area of Conservation.

## 6.0 PLANNING ASSESSMENT— PRINCIPLE OF DEVELOPMENT

6.1 The application site lies within the Kinfauns settlement boundary, as identified in LDP2, shown as an area of 'Open Space'.

6.2 The key LDP2 policies applying to the principle of development on this site are:

- Policy 6: Settlement Boundaries
- Policy 17: Residential Areas
- Policy 14: Open Space Retention and Provision
- Policy 24: Maintaining an Effective Housing Land Supply

### Development within the Kinfauns Settlement Boundary

6.3 LDP2 Policy 6: Settlement Boundaries states that *'For those settlements which have a boundary defined in the Plan, built development will be contained within that boundary.'* This proposal is located within Kinfauns' settlement boundary where development would generally be supported by the Council, subject to detailed considerations, including in relation to criteria in LDP2 Policy 17, below. However, the site is shown on the LDP Settlement Map as 'Open Space', subject to the terms of LDP2 Policy 14, discussed below.

6.4 LDP2 Policy 17: Residential Areas includes that encouragement will be given to proposals which fall into one or more criteria identifying specific categories of development, and which are compatible with the amenity and character of the area. This proposal is considered to meet with the following 3 of the 5 criteria:

- (a) *Infill residential development at a density which represents the most efficient use of the site while respecting its environment*
- (c) *Proposals which will improve the character and environment of the area of village.*
- (d) *Business, homeworking, tourism or leisure activities.*

### Open Space

6.5 LDP2 Policy 14: Open Space Retention and Provision includes Policy 14A: Existing Areas which aims to control development on a variety of open spaces which *'have value to the community for either recreational or amenity purposes'*. The open space identified in the LDP is shown in the photograph, below, and extract from LDP2 on page 4.



Site viewed from NW corner (Open Space in LDP)

6.6 LDP Policy 14 includes criteria to identify circumstances where development on these areas will be permitted. It is considered that in this case, criteria (b) and (c) below can be applied to this proposal:

- (b) *The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.*
- (c) *In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, wither with the same site, or at another location which is convenient for its users.'*



6.7 It is contended that the overall concept for the proposed development gains support in terms of the aim and objectives of this policy. As noted above, 'Open Spaces' are identified in LDP2 for the reason that they have '*have value to the community for either recreational or amenity purposes*'. Although the 'built' development will cover more than a 'minor' part of the site, in terms of area, the overall proposed development will improve the use of the whole site with the intention being to have a positive benefit for recreation, along with enhancing the site's value in terms of amenity.

6.9 The particular value of this area of Open Space is not explained in LDP2, i.e. either recreational, amenity, or both. The appearance of the site, long grass with no paths/desire lines noticeable, suggests that it does not currently have any recreational use (see photos, page 5). The planning history of the site, re the conclusion of the Reporter in the 2004 appeal decision, indicates that it was recognised for its visual amenity in relation to the setting of the cottages on Walnut Grove.

6.10 We believe that the proposed built development can be achieved on the site alongside maintaining and enhancing its visual amenity in relation to Walnut Grove. Views towards Walnut Grove are limited by the surrounding high hedging and trees. The only view of the crescent of cottages from the old Dundee Road is at the break in the roadside hedge alongside the bus stop, with only a partial view of the cottages at the west end of the row. Only the upper part of cottages can be seen with much of the building screened by the hedging on Walnut Grove fronting the buildings. The bus shelter interrupts the view in the foreground. A glimpse of the west end of the row of cottages is gained when passing the junction of Walnut Grove at its east end with the old Dundee Road. Otherwise, the frontage of the cottages is only seen fully from their own private access track.

6.11 Overall, it is contended that the proposal merits support in terms of Policy 14: Open Space Retention and Provision, with improvements to the Open Space providing considerable community benefits, alongside landscape, visual amenity and biodiversity benefits.

#### Effective Housing Land Supply

6.12 The LDP2, when published, identified a surplus in the provision of land to meet the housing land requirement across the Council area and in all Housing Market Areas (excepting Strathearn). The LDP spatial strategy includes that any shortfall in the five-year supply of effective housing land will be dealt with through the application of Policy 24: Maintaining an Effective Housing Land Supply. This policy refers to the Council's commitment to maintaining a five-year supply of effective housing land at all times, with the potential for unallocated sites to be considered for housing development.

6.13 The Council is required by Scottish Planning Policy (2014) to maintain at least 5 years effective housing land supply which is free, or expected to be free, of development constraints and therefore available houses to be built within the next 5 years. The Housing Land Audit compares the 5 year effective housing land supply against the 5 year housing supply target in a calculation that shows that 4 of the Housing Market Areas have a shortfall in the effective housing land supply, below.

6.14 The Council's Housing Land Audit (December 2020) includes an update of the Housing Land Requirement position to show the current situation in meeting the overall housing land requirement to 2029. There is now a shortfall in four of the six housing market areas across the Council area. The application site lies within the Greater Perth Housing Market Area with the calculation indicating a shortfall of 969 units (2016 – 2029). It is noted in the Audit that the pandemic and Brexit have impacted on the situation and the potential for delivery of land in the short-medium term.

6.15 The Greater Perth Housing Market Area has a supply less than 5 years (4.5 years) therefore it is contended that Policy 24 can be applied to the assessment of this proposal, the proposed development contributing to the effective housing land supply. The applicant has confirmed that the site is 'effective' in terms of the criteria set out in PAN 2/2010, i.e. it is free of constraints in terms of ownership, physical conditions, contamination, deficit funding, marketability and infrastructure.

Housing Market Area	Greater Dundee	Strathmore and Glens	Highland Perthshire	Kinross	Strathearn	Greater Perth	PKC total
5 year EHLS <sup>5</sup>	60	442	293	418	427	2,042	3,682
5 year HST <sup>6</sup>	25	605	360	355	600	2,285	4,230
5 year EHLS (in years)	12	3.7	4.1	5.9	3.6	4.5	4.4

Extract from Perth and Kinross Council Housing Land Audit 2020 (page v) - Housing Market Area for site highlighted

## **7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS**

### **7.1 Placemaking, Design and Visual Amenity**

7.1.1 LDP2 Policy 1: Placemaking, requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

7.1.2 The Supplementary Guidance on Placemaking 2020, in providing guidance on meeting the criteria, sets out four key areas to '*research and respond to in the Placemaking process: A Successful, Sustainable Place, A Low Carbon Place, A Natural, Resilient Place and A Connected Place*'. These key areas are addressed in terms of the other relevant policies considered in the previous section 6.0 and in the following section of the statement. Overall, it is considered that the proposal demonstrates compliance with Policy 1: Placemaking

### **7.2 Residential Amenity**

7.2.1 LDP2 Policy 1: Placemaking, 1A requires that development should respect the 'amenity of the place'. It is considered there will be no issues of impacts on the existing residential amenity of properties

7.2.2 The submitted 'indicative' layout plan demonstrates that acceptable plot sizes can be achieved, with ample garden ground. The separation achievable from existing properties presents no issue in relation to privacy, overshadowing and loss of sunlight/daylight. The properties to the north of the site, on the old Dundee Road, are separated from the site by the road, hedging and trees. The properties to the south, on Walnut Grove, are separated by hedging and the private access road. In both cases, the distance of approx. 40m between existing and proposed properties can be achieved.

7.2.3 The 'indicative' site layout plan illustrates that an acceptable level of residential amenity can be achieved for future residents, including in terms of garden ground and separation between dwellinghouses. It is acknowledged that the proposed dwellinghouses may be affected by noise in relation to the A90 and rail line. Appropriate mitigation can be achieved with appropriate glazing and ventilation and it is anticipated that achieving acceptable levels could be a condition of a further detailed application, if necessary.

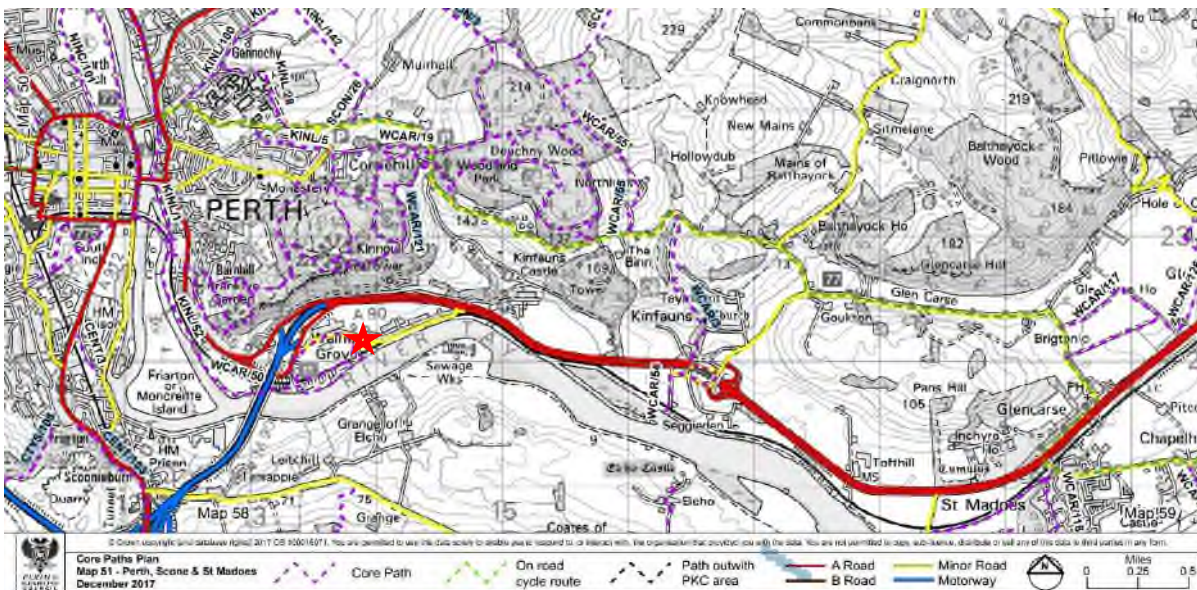
7.3 Transport and Accessibility

7.3.1 The main policy heading, Policy 60: Transport Standards and Accessibility Requirements includes Policy 60B: New Development Proposals. The policy aims to reduce travel demand by car and promotes access to a choice of sustainable modes of travel, including opportunities for active travel and green networks. The policy states that *All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport.* It can be shown that the proposal is well located for sustainable travel.

Active Travel

7.3.2 The focus of this part of the policy is towards development proposals that involve significant travel generation. The proposal, in this case indicated for 5 dwellinghouses, will have relatively small travel generation. Nonetheless, it is demonstrated that the proposal is well located for sustainable travel. The proposal is also considered to meet with the requirements of other detailed policy criteria, to ensure road safety, parking provision and the availability of infrastructure for low emission vehicle transport technologies.

7.3.3 There are many opportunities for active travel within the area surrounding the site, as shown on the extract from the Perth and Kinross Council Core Paths Plan mapping, below. Walnut Grove, adjacent to the site, is a Core Path, part of circular routes along the riverside and connecting to Perth and the wider extensive path network: WCAR/120 Walnut Grove footway, WCAR/119 Walnut Grove to sailing club north of railway, WCAR/1 Riverside Walk—Walnut Grove to Sailing Club, WCAR/50 Riverside Walk Lairwell via Willowgate Fishery to Bellwood Park



Extract from Perth and Kinross Council Core Paths Plan map 51

Site ★



Source: PKC Interactive Core Path mapping



Land to north of Walnut Grove, Kinfauns

## Public Transport

7.3.4 Bus transport is readily accessed from the site. A bus stop is located on the A90, approx. 400m to the west of the site, with Stagecoach service 16 providing a frequent service, see timetable below. Ember Services E1/E2 provides an all electric inter city bus service from this stop on its route from Dundee to Edinburgh. These service provides opportunity for transport to the key centres of employment in the surrounding area, schools, healthcare and provision of wider services and facilities and excellent links into the wider transport network.

7.3.5 Bus services through the length of the Kinfauns are currently limited with Stagecoach Bus service 51 route (Abernethy to PRI)) providing a twice weekly service, with morning service from Walnut Grove and two return afternoon services. This service may be amended in the future with changing circumstances.

7.3.6 Proposal RT1 in the LDP2 promotes a new Park & Ride to support sustainable travel into Perth City Centre. Implementation of this proposal would further enhance the accessibility of Kinfauns and its attributes as a sustainable location.



Bus stop on A90, within 400m of site

Service	Operator	Monday to Friday	Saturday	Sunday
Service 16	Stagecoach (Tel: 0131 510 4000)	0615a/0650a 0742a/0810a 0914a/0950a 1015 1045 1115 1145 1215 1245 1315 1345 1415 1445 1555 1655 1825a/1910a 2000a	0745 1045 0945 1045 1145 1245 1345 1445 1555 1655 1825a/1910a 2000a	No Services
Service 51	Stagecoach (Tel: 0131 510 4000)	1221a/1431a	No Services	No Services
Service E1	Ember Cares Ltd (Tel: 0131 510 4007)	0628 0927 0749 1018 1316 1618 1816 2142	0654a/0927a 0658a/0928a 1135a/1414a 1417a/1701a 1945a/2250a	0758 1129 1309 1652 1831 2331
Service E2	Ember Cares Ltd (Tel: 0131 510 4007)	0257 0735 1038 1303 1602 1906 2153 0011	0325a/0858a 1135a/1300a 1423a/1610a 1755a/1845a 2220a/0051a	0202 1630 1413 1653 1936 2115
Service 16B	Stagecoach (Tel: 0131 510 4000)	0648 0958 1223 2253a	0658 1058 1238 1428 1638 1938	No Services

Current bus timetable—Stagecoach and Ember services

7.3.7 Travel from the site by car provides quick and direct access to the main public transport hubs in Perth to the north, along with access to the main central Scotland road network with the M90 and A90 accessed directly from Walnut Grove.

#### Access

7.3.8 An single access point to the site, on to the old Dundee Road, has good visibility, and minimises issues of road safety in relation to multiple accesses. There is a 20mph speed limit throughout Kinfauns. It is also proposed that site layout can provide for a footway, within the site, to extend along its length behind the roadside hedge and with improved amenity and safety being distanced from the road.

7.3.9 In terms of roads, transport and access, a future detailed proposal will be designed to comply with the National Roads Development Guide, including adequate parking and turning space to meet with the Council's requirements.



20mph speed limit through Kinfauns

#### 7.4 Drainage and Flooding

7.4.1 LDP2 Policy 52: New Development and Flooding addresses the delivery of actions to manage flood risk. LDP2 Policy 53: Water Environment and Drainage includes sub policies 53B: Foul Drainage, 53C Surface Water Drainage which set out the Council's requirements to connect to the public sewer where available and to use Sustainable Urban Drainage Systems (SUDS) measures. Policy 47: River Tay Catchment seeks to protect the nature conservation interest within the catchment areas. It is noted that the policy is to be applied in development proposals in specified settlements, not including Kinfauns. LDP2 Policy 53A: Water Environment. Further Council guidance in relation to development and flood risk is provided in the supplementary guidance document '*Flood Risk and Flood Risk Assessments: Developers Guidance Note on Flooding & Drainage*' (June, 2014).

7.4.2 Although relatively close to the river Tay, the land rises significantly towards the application site and the SEPA Flood Map shows that the site is at no risk from river or coastal flooding. The Flood Map shows that a small area in the west part of the site may have some potential for surface water flooding. This area forms part of the proposed open space, as shown on the Indicative Site Plan.

7.4.3 It is understood that there is no public sewer to service the proposed development and therefore, under the terms of Policy 53C: Foul Drainage, a private system would be provided, subject to it meeting the requirements of the Council and SEPA. It is anticipated that it would be appropriate for the submission of the details of a proposed system, and its maintenance and management, to be part of a future detailed application.

7.4.4 A further application would include a drainage strategy and design to address appropriate surface water drainage, through SuDS, and foul drainage. It is anticipated that the proposal can be fully compliant with the terms of the relevant Policies and Guidance relating to Drainage and Flooding.

## 7.5 Natural Heritage

7.5.1 LDP2 Policy 38: Environment and Conservation protects international, national and local designation sites and areas, 7.5.2 LDP2 Policy 40: Forestry, Woodland and Trees identifies the criteria to be met to gain the Council's support, including in relation to the protection and management of trees and woodland, especially those with high natural, historic and cultural heritage value and where new woodland planting is promoted.

7.5.2 LDP2 Policy 41: Biodiversity seeks to protect and enhance wildlife and habitats, both designated or otherwise. LDP2 Policy 42: Green Infrastructure requires all new development to contribute to the creation, protection, enhancement and management of green infrastructure.

### Protected Sites and Species

7.5.3 The information recorded on NatureScot's SiteLink shows that the site is not the subject of any statutory nature conservation site, woodlands included on the Ancient Woodland Inventory or Local Wildlife Sites. The River Tay Special Area of Conservation (SAC) is approximately 40m to the south of the site, lying beyond the row of cottages on Walnut Grove. It is not anticipated that the proposal would have any impact on the qualifying interests of the SAC. The National Biodiversity Network search facility does not show any records for protected species on the site.

### Woodland and Trees

7.5.4 Most of the site is enclosed by mature hedges along with trees. The local importance of these trees and hedges, and their protection and management is an important part of the overall concept for the proposal, in compliance with LDP2 Policy 40: Forestry, Woodland

### Biodiversity

7.5.5 It is a goal of the proposed development to achieve positive benefits for local biodiversity, in compliance with LDP2 Policy 41: Biodiversity and LDP2 Policy 40: Green Infrastructure. This could be achieved in many ways, including through more diverse planting, and potentially the installation of features attractive to wildlife. It is hoped that future proposals for the area would be gained from engagement with the community and the Council.

## 7.6 Landscape

7.6.1 LDP2 Policy 39: Landscape aims to ensure that all development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes.

7.6.2 The application site lies towards the south end of the Sidlaw Hills Local Landscape Area (LLA), as defined in LDP2 and the Landscape Supplementary Guidance 2020. The special qualities of this Area stated in the Supplementary Guidance focus on the Area's distinctive hills, hidden glens, hillfoot villages and include the dramatic cliffs, woodland and tower of Kinnoull Hill. The objectives include for the Local Landscape Area include ensuring high quality design of new development. It is contended that this proposal, lying within an existing settlement, will have no detrimental impact on the visual and scenic qualities of the designated Sidlaw Hills LLA surrounding landscape and is wholly compatible with the protection of the special qualities.



View west along old Dundee Road with hills to north would be uninterrupted by proposed development

## **7.7 Infrastructure Impact**

7.7.1 LDP2 Policy 5: Infrastructure Contributions addresses the impact of new development in relation to current and future needs for additional infrastructure or community facilities. The applicant understands that planning permission will only be granted where contributions, which are reasonably related to the scale and nature of the proposed development, are secured. The Council's Developer Contributions & Affordable Housing Supplementary Guidance (2020) explains how developer contributions will be achieved. Specific contributions are sought, where relevant, for Primary Education, Affordable Housing and Transport Infrastructure.

7.7.2 The application site lies within the catchment of Kinnoull Primary School and Perth High School (non-denominational) and St Ninian's Episcopal Primary and St John's RC Academy (denominational). The Supplementary Guidance indicates a contribution would be sought in relation to the Kinnoull Primary School where there has been investment in a school extension to address capacity issues.

7.7.3 In terms of contributions towards transport infrastructure, the application site lies within the Perth Core Area where the 'full' contribution level applies to development.

7.7.4 The indicative proposal for 5 dwellinghouses would provide for an affordable housing contribution equivalent to 25% of the total number of units, i.e. 1.25 units. Given that this is a small scale proposal it is suggested that payment of a commuted sum would be acceptable in this circumstance.

7.7.5 In any case, in terms of addressing the overall infrastructure impacts it is acknowledged that planning conditions would be attached by the Council to an in-principle consent, to ensure that the Supplementary Guidance is applied at the time of a further detailed application.

## **7.8 Energy**

7.8.1 A future detailed proposal will be designed to be fully compliant with LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development requiring all new buildings to demonstrate the carbon emissions reduction set by Scottish Buildings Standards.

## **8.0 Conclusion**

### **8.1 In conclusion:**

- ◆ This proposal provides for housing development of a very modest scale which can bring with it the creation of enhanced public open space for the community and a contribution to the Council's shortfall in effective housing land.
- ◆ We believe that the proposal can gain support, in principle, in terms of the Council's Local Development Plan policies and its supplementary guidance.
- ◆ The proposal is not anticipated to have any adverse impact on the natural heritage of the site or surrounding area, including any impact on landscape, and will provide benefits to the overall biodiversity of the area.
- ◆ A future detailed design can achieve a site layout which will ensure that the potential of the site to provide a setting for Walnut Grove is maximised.
- ◆ Future infrastructure will be provided to meet the needs of the development and will ensure that there will be no adverse impacts in terms of road safety or in relation to other facilities.
- ◆ With respect, the support of Perth and Kinross Council is sought in the approval of this planning application. We would request that the case officer discuss the proposed recommendation, or the need for any additional information, prior to any decision on the proposal.



# LAND OWNERSHIP CERTIFICATES

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

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

### CERTIFICATE A

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

I hereby certify that -

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

Signed:

On behalf of:

Date:

### CERTIFICATE B

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

I hereby certify that -

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

Name	Address	Date of Service of Notice
DOUGLAS IRVINE		17/9/21

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

or

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

Name	Address	Date of Service of Notice

Signed:

☐ [REDACTED]

On behalf of:

JAMES IRVINE

Date:

17/9/21

### CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

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

or

- (2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

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

Name	Address	Date of Service of Notice

- (6) I have \_\_\_\_\_ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have \_\_\_\_\_ been unable to do so.

Steps taken:

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Signed:

--

On behalf of:

--

Date:

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#### CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself \_\_\_\_\_ was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐
- or

- (2) I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have \_\_\_\_\_ served notice on each of the following persons other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

--

On behalf of:

--

Date:

--

### CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants. ☐

or

(1) No person other than myself was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. ☐

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are: ☐

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so. ☐

Steps taken:

--

Signed:

On behalf of:

Date:

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

# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997  
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013

Name [Note 1]	
Address	

Proposed development at [Note 2]	

Notice is hereby given that an application is being made to

[Note 3]		Council by	
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For planning permission to [Note 4]

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If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	
Date	

\*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] – Insert planning authority address.



# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

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

## NOTES FOR GUIDANCE

Before applying for planning permission or planning permission in principle under regulations 9 to 11, applicants should notify all persons who (other than themselves), were the owners of any of the land to which the application relates, or were agricultural tenants at the beginning of the prescribed period (in effect 21 days ending with the date on which the application was submitted).

Notices to owners and agricultural tenants should be in the form set out in schedule 1 of the regulations and must include:

1. The name of the applicant
2. The address or location of the proposed development
3. A description of the proposed development and
4. The name and address of the planning authority who will determine the application.

The grant of planning permission will not affect the rights of an owner, or tenant under a lease which has at least 7 years to run, to dispose of the consented property unless there is express provision in the lease/Agreement.

### Applications for the working and winning of underground minerals

The notification of site owners and agricultural tenants regarding applications for the working and winning of underground minerals may be both onerous and complex. In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with ownership rights to minerals, other than those vested in the Crown (oil, gas, coal, gold and silver), who may be difficult to identify and notify.

For the purposes of these applications, regulation 15(4) amends the requirement to notify owners to relate to those who "to the applicant's knowledge" are owners

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

**LRB-2022-07  
21/01675/IPL – Residential development (in principle),  
land 45 metres south of Oaklea, Kinfauns Holdings, West  
Kinfauns**

## **REPRESENTATIONS**





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

<b>Planning Application ref.</b>	21/01675/IPL	<b>Comments provided by</b>	Bea Nichol
<b>Service/Section</b>	Planning & Housing Strategy	<b>Contact Details</b>	
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns for Mr James Irvine		
<b>Comments on the proposal</b>	<p>The proposal is for a residential development in principle to be sited within a central area of the Kinfauns settlement boundary. The site is currently designated as open space in LDP2. The site is also adjacent to an area with extant planning permission for housing. This is a linear settlement developed along the old road following the Tay into Perth from Dundee. Open space is not simply about providing usable areas for recreation. It can also be an area of greenspace that provides breathing space between urban areas. In this case, whilst the area of land is not exceptional for any specific use, recreational or scenic, it does provide a buffer between the road and the dwellinghouses of Walnut Grove. The development of this area would create a new more urban entrance and change the visual appearance of the settlement.</p> <p>Policy 14A: Existing Areas specifically states that “loss of these areas will not be permitted except in circumstances where one or more of the following apply”:</p> <ul style="list-style-type: none"> <li>• The proposal is ancillary to the recreational use</li> <li>• The proposed development is minor and will not affect the main use of the site</li> <li>• It will provide a better-quality facility</li> <li>• It involves a playing field strategy</li> </ul> <p>As the proposal is a residential development that will dominate the majority site, the proposal cannot be considered to meet any of the above criteria and therefore would be contrary to the LDP2 open space policy. The most appropriate route to pursue permission for development would be to put forward the proposal for the Local Development Plan review which is currently underway. This would allow an assessment to be taken in terms of the open space designation and the impact of any loss along with the cumulative impact of other developments within the settlement.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments</b>	21/10/21		



Thursday, 21 October 2021



Local Planner  
Planning and Development  
Perth and Kinross Council  
Perth  
PH1 5GD

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land 45 Metres South Of, Oaklea Kinfauns Holdings West, Kinfauns, PH2 7UJ**  
**Planning Ref: 21/01675/IPL**  
**Our Ref: DSCAS-0050992-5LV**  
**Proposal: Residential development (in principle)**

**Please quote our reference in all future correspondence**

### Audit of Proposal

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

### Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

### Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

---

### Please Note

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

---

## **Surface Water**

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

### **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

### **Next Steps:**

#### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

#### **▶ Non Domestic/Commercial Property:**

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

#### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Pamela Strachan**  
Development Services Analyst  
Tel: 0800 389 0379  
[planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

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

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

<b>Planning Application ref.</b>	21/01675/IPL	<b>Comments provided by</b>	Jane Pritchard
<b>Service/Section</b>	Community Greenspace	<b>Contact Details</b>	
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns		
<b>Comments on the proposal</b>	<p>CG comments relate primarily to the design, layout and maintenance of public open space (POS). Comments comply with the terms of the Local Development Plan Supplementary Guidance – Open Space Provision for New Developments Maintenance Options for Public Open Spaces in New Residential Developments Policy 2020.</p> <p><u>Design and layout</u></p> <p>POS, including play areas, should be well integrated with housing and should be easily accessible to both residents and the wider public. Parks would normally incorporate play, sports pitches, paths and possibly SUDS. SUDS should be well designed and integrated into POS to benefit both public amenity and biodiversity. Paths (core paths where existing) should be within green corridors and connect to larger areas of POS and to adjoining POS/paths. Trees must be given adequate space from private boundaries to avoid future issues with encroachment, shade etc on maturity, species selection for new planting should be largely native and be appropriate to the wider area and site.</p> <p>The indicative proposed block plan provided shows a good POS allocation and layout with proposed footpaths and a play area. For a development of this size however an equipped play area is not required. Further detail regarding the standard of the proposed paths which should be suitable for all users (cyclist, prams, wheelchairs etc) so should be tarmacked and at least 1.2m wide, and the landscaping will be required.</p> <p>Landscape plans should clearly show the location and extent of POS (using colour coding). POS to be adopted by the Council must be clearly shown as distinct from any POS and small areas of amenity open space not to be adopted by the Council. The number of dwellings to be built and the planning reference must be clearly marked in the title.</p> <p><u>Maintenance of POS</u></p> <p>All Priority POS <b>must</b> be adopted by the Council with payment of the appropriate commuted sums (CS) at time of adoption and transfer of Priority POS title.</p> <p><u>Priority POS includes:</u></p> <p>Equipped play areas (standardised CS apply)</p>		



	<p>Local Equipped Area for Play (LEAP)  Neighbourhood Equipped Area for Play (NEAP)  Sports pitches  Parks  core path green corridors  SUDS above ground must also be adopted by the Council in all residential developments</p> <p>In this case as no equipped play area is required, there will be no priority POS.</p> <p><u>Other POS option for Developers</u></p> <p>Other areas of POS can either be adopted by the Council for the standardised CS/dwelling <b>or</b> can be maintained through applying a Development Management Scheme (private factoring). Subject to Council agreement.</p> <p><u>CS for 2021/22 (uplifted annually with RPI)</u></p> <p>Play LEAP £66,417  Play NEAP £83,148  POS £811.20 per dwelling</p> <p><u>Site specific CS</u></p> <p>Where only Priority POS is to be adopted, to allow calculation of site-specific CS, developers must supply area measures of:  parks; sports pitches, path corridors, above ground SUDS</p> <p><u>Security Deposit (SD) and Adoption Handover</u></p> <p>Payment of a SD (10% per 100 dwellings) must be paid prior to handover of POS. POS to be adopted must be to Council standard prior to CG inspection. Adoption should be completed 1 year from CG inspection with any required remedial work being completed prior to handover inspection. Any further CG inspections and/or any remedial works required post-handover is funded from the SD. Unspent SD is deducted from the CS due. No Council maintenance will begin until POS land title and CS transfer is completed.</p>
<b>Suggested Conditions</b>	
<b>Suggested informative</b>	Further detail on the path standard and POS landscaping will be required and should be shown on the landscape layout and planting detail. No equipped play area is required.

Date comments returned	25.10.21
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## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	21/01675/IPL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner [REDACTED]
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns		
<b>Comments on the proposal</b>	<p><b>Affordable Housing</b></p> <p>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.</p> <p>The application proposes five dwelling houses, which would mean that the Affordable Housing Policy would apply.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Kinnoull Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Affordable Housing</b></p> <p><b>CO02</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 20: Affordable Housing of the Perth &amp; Kinross Local Development</p>		

	<p>Plan 2 (2019), or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p> <p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p> <p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2 (2019) with particular regard to transport infrastructure, or such subsequent Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	01 November 2021

The Owner  
Dr. W.A. Elsdon



November 2<sup>nd</sup> 2021

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

Planning Application Ref: 21/01675/IPL

Dear Sir

I am writing in reply to the neighbour notification of the planning application that has been lodged for five houses to be constructed at Walnut Grove by Mr. James Irvine. I wish it to be known that I object to this application for the following reasons.

That this land is designated in LPD2 as an Open Space area, and under the "Housing in the Countryside Policy" 2005, development on this area contravenes the policy in several ways.

Three previous applications ( Oct '94, Jan '96, Oct 07) have all been refused for similar reasons.

The reporter (2007) stated that this wasn't a gap site and houses of this nature would surely be a ribbon development.

This proposed development consumes one of the only designated open spaces in the Holdings area, and if the much larger development on the Caledonian House site goes ahead, then there will be no open areas in the main part of the Holdings. It will become just another housing area completely out of keeping with its rural setting.

I am very concerned about the drainage of the site. The west part of the field regularly floods throughout the winter, exactly where the proposed open space/ play area is to be. 5 houses and their associated hard standing will only reduce the amount of land available to absorb water, and the output from each septic tank.

Their plan is for 1 ½ storey houses which will in the words of the reporter (2007) cause the appearance of the crescent (Walnut Grove) to be permanently obscured as the site provides vital foreground to Walnut Grove cottages, and old planning was predicated on the field remaining undeveloped.

The description of the land in paragraphs 6.9 and 6.10 is only as it is because the present owner has purposely and completely not maintained the grass/hedging or now ruined building. The hedges on Walnut Grove itself are cut by the residents with no help from the land owner.

If the developer really cared about our community and amenity he would have kept the open space in good order. Instead they are suggesting that building houses on an open space will improve the site for us.

Five houses will also significantly increase the traffic in the Holdings where there is no pavement for pedestrians.

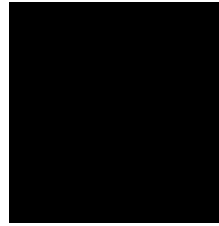
I therefore think that this proposed development should not be granted planning permission and I hope the planning committee takes the same view.

Yours sincerely

Dr.W.A. Elsdon



Dr D T Williams



2<sup>nd</sup> November 2021

Perth and Kinross Council  
Planning and Development  
Pullar House  
35 Kinnoull Street  
Perth

Dear Sirs,

Re Planning application 21/01675/IPL

I wish to make the following comments on the above proposal for the residential development of the open space (as designated in the Local Development Plan - LDP) adjacent to my property.

I am well aware that previous similar applications have been refused by the local council and the most recent (2007 / 08 ref 07/02132/OUT) dismissed on appeal to the Scottish Government. I do not see any changes in circumstances which would allow a different decision to now be made.

The site is designated as open space within the current LDP and the development plans do not fulfil any of the exemption criteria which would permit loss of such an area.


There is no public sewer available to service this proposed development. The provision of private foul drainage to such a development would be challenging as would be the management of surface water drainage on a site which has already been identified as being prone to surface water flooding. Both these challenges have the potential to have a negative impact on adjacent properties.

This open space is integral to the amenity of the setting of the traditional early 19<sup>th</sup> century cottages of Walnut Grove and this development would be to the serious detriment of this amenity.

Yours faithfully

Dr David T Williams





3<sup>rd</sup> November 2021

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

Dear Sirs,

**Planning Application Reference 21/01675/IPL**  
**Residential Development (in principle)**  
**Land 45 Metres South of Oaklea, Kinfauns Holdings, West Kinfauns**

After being advised that a planning application has been made to erect a residential development on land at Kinfauns Holdings, I wish to lodge my objections to this development on the following grounds:

1. This land has been given open space status in the LDP2.
2. There are considerable issues relating to the mains sewerage, flooding, and waste water and a need of supply for surface water drainage on this area of land.
3. Removal of the hedgerow trees to gain access to the development will have an impact on the wildlife habitation.
4. This is, for the most part, a rural area, giving all the benefits of such a life. A housing development of the size proposed would change this completely. There would be a detrimental effect on the amenity of the area.
5. The added traffic impact on the rural road would be unacceptable and there are no proper pedestrian foot pavements in place for the safety of pedestrians.
6. There is no local infrastructure here to cope with an increase in further residential development in the area.
7. There is no regular public transport into Perth.


Yours faithfully,



Mrs. J Hebner







03 November 2021

**Perth & Kinross Council - Planning & Development**  
**By email - Development Management@pkc.gov.uk**

Dear Sir/Madam

**Planning Application Reference 21/01675/IPL - Residential Development (in principle)**


**Postal address of the Site: Land 45 Metres South of Oaklea, Kinfauns Holdings, West Kinfauns**

In respect of the above application, we would like you to consider our objections to this residential development for the following reasons:

- The land is designated as open space on the Local Development Plan 2.
- Should approval be granted, it could easily be modified to increase the number of houses over time that could be built on the land.
- We would have to endure noise pollution during the period of construction on the site and once the land is populated on.
- We are concerned that the overall height of the proposed planned bungalows/cottages will overshadow our property.
- The rear of the planned properties will be clearly visible from our front entrance.
- There are significant issues with mains sewerage, wastewater, flooding and a lack of provisions for surface water drainage.
- There is not a regular bus servicing Walnut Grove and The Holdings into Perth. They are only on a limited number of days.
- There will be an increase in the traffic flow through the village and risk to the safety of pedestrians due to the lack of proper pavements.
- There would be a marked effect on the natural habitation on the site should habitat removal occur to form the proposed access road and footpath into the development. It would no longer support the natural wildlife.

We would be grateful if you could acknowledge receipt of this planning objection.

Yours faithfully



Mr R M & Mrs K Hutcheson





## Development Management

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**From:** Michael Duncan [REDACTED]  
**Sent:** 05 November 2021 08:52  
**To:** Development Management  
**Subject:** Planning Applications ~ Reply. 5 Nov.21

### Planning Application Ref: 21/01675/IPL

From Michael Duncan, 4 Walnut Grove, Kinfauns PH2 7UJ

I should like to object to the above application. As a long-time resident of Walnut Grove I have seen previous applications fail and felt that The Reporter's decision on the last one would bring a final decision that the property should not be developed. In his report it was pointed out that the crescent of once-listed Victorian cottages and the field they curve around are "a package" and any new building in the field would impinge on the charm of the settlement and its green space. (The eponymous walnut trees, planted when the cottages were built, were felled at maturity but two since planted at the site retain the integrity of the name.) The points made by The Reporter were in accordance with the opinion of the local residents.

A further point influencing The Reporter's decision was the lack of access to mains drainage along with the fact that the ground, with part of the field flooding, is deemed unable to support a unsuitable soak away system.

In conclusion I understand that the property in question is currently designated an open space and, as such, not deemed eligible for building.



# Comments for Planning Application 21/01675/IPL

## Application Summary

Application Number: 21/01675/IPL

Address: Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns

Proposal: Residential development (in principle)

Case Officer: Persephone Beer

## Customer Details

Name: Mr David Wallace

Address:

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Flooding Risk
- Loss Of Open Space
- Loss Of Trees
- Noise Pollution
- Over Looking
- Road Safety Concerns

Comment: 5th November 2021

Perth and Kinross Council

Planning and Development

Pullar House

35 Kinnoull Street

Perth PH1 5GD

Planning Application Ref: 21/01675/IPL

Dear Sir

I am writing in reply to the neighbour notification of the planning application that has been lodged for five houses to be constructed at Walnut Grove by Mr. James Irvine. I wish it to be known that I object to this application for the following reasons.

That this land is designated in LPD2 as an Open Space area, and under the "Housing in the

Countryside Policy" 2005, development on this area contravenes the policy in several ways.

Three previous applications ( Oct '94, Jan '96, Oct 07) have all been refused for similar reasons.

This proposed development is only designated open space in the Holdings area, and if the much larger development on the Caledonian House site goes ahead, then there will be no open areas in the main part of the Holdings. It will become just another housing area completely out of keeping with its rural setting.

I am very concerned about the drainage of the site. The west part of the field regularly floods throughout the winter, exactly where the proposed open space/play area is to be. 5 houses and their associated hardstanding will only reduce the amount of land available to absorb water, and the output from each septic tank.

Their plan is for houses which will cause the appearance of the existing surrounding houses to be permanently obscured as the site provides vital foreground to Walnut Grove cottages.

The description of the land in paragraphs 6.9 and 6.10 is only as it is because the present owner has purposely and completely not maintained the grass/hedging or now ruined building. The hedges on Walnut Grove itself are cut by the residents with no help from the land owner.

Five houses will also significantly increase the traffic in the Holdings where there is no pavement for pedestrians.

I therefore think that this proposed development should not be granted planning permission and I hope the planning committee takes the same view.

There is a very limited bus service in the area.

There will be a detrimental effect on the natural habitat in the area.

Yours sincerely,

David Wallace

Elsbeth Wallace

Perth & Kinross Council  
By email - DevelopmentManagement@pkc.co.uk

6<sup>th</sup> Nov. 2021

Sirs,

Planning Reference No 21/01675/IPL

With regards to an application to build on the land 45 metres South of Oaklea, The Holdings, West Kinfauns, I would like to put forward my objections to the application as follows:

There is no public waste water or drainage on the land. The development holds a potential risk from surface water connecting into the joint sewers causing future sewerage flooding.

The land is classed as open space and should be preserved from being developed on for residential use.

Removing the hedges and trees to form the road and path into the development would no longer buffer the noise from traffic and would take away the current visual impact of the land.

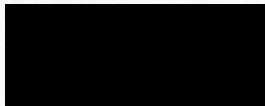
The development would lead to an increase in traffic on The Holdings Road. Due to the lack of pavements, there will be an added safety issue here to pedestrians.

There is no frequent buses servicing Walnut Grove. These have now been restricted to 3 days per week. The proposed Park-n-Ride still being a long time in the making.

The online site plan shows a proposed equipped open space/play area. Noise from a play area could affect, in some way, on residents' home life.

Over the years there has been support not to build houses on this land.

Yours faithfully,



Mrs. P.A. Fyfe





# Comments for Planning Application 21/01675/IPL

## Application Summary

Application Number: 21/01675/IPL

Address: Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns

Proposal: Residential development (in principle)

Case Officer: Persephone Beer

## Customer Details

Name: Dr Phyllis Windsor

Address:

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Flooding Risk
- Loss Of Open Space
- Loss Of Trees
- Out of Character with the Area
- Over Looking
- Road Safety Concerns

Comment: I would like to submit an objection to this planning application on the following grounds:

1 loss of open space/adverse effect on visual animality

this site has been designated as open space in local development plan 2. It is an area of green space that provides a breathing space between urban present development. Erection of five houses would create a new more urban entrance and change the visual appearance of the settlement.

Under policy 14 a: existing areas - specifically state that "loss of these areas will not be permitted except in circumstances where one or more of the following apply:"

the proposal is ancillary to recreational use

the proposed development is viable and will not affect the main use of the site

it will provide a better quality facility

it involves a playing fields strategy.

The proposed development meets none of the above criteria. The area is occasionally used by residents to exercise their dogs and horses are sometimes kept within the field.



## 2. Out of character with the area/over looking/contrary to development plan policy.

The site has been the subject of previous applications, all have been refused. The applicant makes reference of its previous appeal to Scottish ministers, which was refused. (Reference P/PPA/340/687) this report is unambiguous in its conclusions for refusing the appeal nothing much has changed since third of October 2008 the decision of the Scottish ministers should be regarded as final.

The development is not required and clashes with the local development plan. It would have a detrimental impact on neighbouring amenity. Local authorities are obliged to protect the living standards of local residents. Additionally there will be a negative effect on the character and appearance of the Crescent at Walnut Grove (policy 1: Place making and policy 1B, policy 5 and policy 7A).

The proposed houses would, given the higher ground of the site, be much higher and over look the existing cottages.

## 3. Flooding risk.

The site is subject to flooding and there are no drains on the site or on the adjacent road (I understand that Scottish water have made a separate submission regarding drainage).

## 4. Road safety concerns.

The proposed development fronts a road 6.4 m wide. There is a pedestrian safe zone 1 m wide along the road, opposite to the proposed development. This safe zone does not comply with the Equality Act. People residing at properties in the development and their visitors can and would park on the road. Such parking would leave a road space of approximately 2 m for traffic to pass. This would create a hazard to life and limb for persons using the safe zone as traffic would have to encroach onto the area. An experimental speed limit of 20 mph has recently been put in place along the Holdings. This is routinely ignored by passing traffic, through traffic and residents alike the road is dangerous enough for disabled people without adding to their problems.

## 5. Loss of trees.

there is a hedge along the roadside which appears to be replaced by a new road and footpath in the development's plan. The hedge has been allowed to grow and is unkempt previously was cut regularly but this stopped following refusal of the first planning application. Nevertheless, birds nest in the hedge, which supports local wildlife. The site indicates a ruin which is in fact an old dilapidated stable, believed to have asbestos used in its construction. I know there is no provision for affordable housing, which applies to proposals for five units or more. Additionally, I would question if there is evidence of demand for a playpark, as this would create further noise and disturbance for neighbouring residents.

Finally I would ask the planning officers to consider this objection along with previous refusals and the report on behalf of Scottish Ministers.



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

8<sup>TH</sup> November 2021

Dear Sirs,

**Planning Application 21/01675/IPL - Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns**

I wish to register an objection to the above Planning Application for the following reasons:

1. The proposals are contrary to the current Local Development Plan which clearly categorises the land involved as designated Open Space.

I note that the Planning & Housing Strategy section has already submitted a comment recognising the value of the Open Space nature of the site and that development of the land would be contrary to the Local Development Plan Open Space Policy.

2. The proposed development would be detrimental to the setting within which Walnut Grove sits and which acts to provide an attractive central defining characteristic for the settlement as a whole.

This view is borne out by the Scottish Government Reporter in his 2008 rejection of an Appeal against the refusal of a similar application to develop the same land.

The Reporter cited the open space of the field as providing vital foreground to the crescent shaped setting of Walnut Grove's cottages. He believed the original Planning of the cottages to have been predicated on the assumption that the field forming the open space would remain undeveloped and that thus it remains a most important part of the setting.

3. The lack of local drainage infrastructure to serve the proposed development.

There is no Scottish Water waste water infrastructure within the vicinity meaning that waste water treatment would have to be by private means potentially putting the Walnut Grove cottages at risk from air and ground pollution.

There are no surface water drains within the vicinity so local properties and the roadway lying to the North of the site which already cannot cope with surface water would be impacted by increased overflow due to the development.

/

4. The existing Walnut Grove cottages could be overshadowed by the proposed development.

I note that item 4.3 of the submitted Planning Statement says that the proposed dwelling houses 'should' be 'no more than single storey and attic in height' – not that they 'would' be no more than that height leaving the door open to a much higher building proposal coming forward at a later stage were this 'In Principal' application to be approved.

The level of the field is above that of several of the existing cottages while modern building floor levels and associated roof heights are likely to be higher than those of the existing cottages.

Even if restricted to single storey Walnut Grove would be overshadowed due to the close proximity of the proposed houses.

5. The potential risk to wildlife habitat.

While the applicant's Planning Statement paints a picture of the development enhancing bio diversity the reverse would be more likely due to the loss of open natural space and an inevitable reduction in size of the roadside hedge to accommodate the proposed internal roadway and associated access point sight lines.

The field in front of Walnut Grove which the application seeks to develop has a history of development applications, earlier ones being made in 1994, 1995 and 2007. All were refused as was an Appeal to the 2007 application made to the Scottish Government in 2008.

It is my opinion that the existing open space should be preserved and that future Local Development Plans should continue to designate it as such.

Yours faithfully

Roddy Brown

# Comments for Planning Application 21/01675/IPL

## Application Summary

Application Number: 21/01675/IPL

Address: Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns

Proposal: Residential development (in principle)

Case Officer: Persephone Beer

## Customer Details

Name: Mr Richard Kemley

Address: [REDACTED]

## Comment Details

Commenter Type: Comment from Same Household

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Flooding Risk
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Loss Of Trees
- Out of Character with the Area
- Over Looking
- Road Safety Concerns
- Traffic Congestion

Comment: Planning Application Ref: 21/01675/IPL

Dear Madam/Sir,

I write in respect of the above planning application.

In short, I suspect that this application is more in hope than expectation, due to...

- the well documented drainage challenges in parts of West Kinfauns (the field in question is regularly under water), and the impact of rainwater on the surrounding properties if the new build is elevated
- the lack of mains sewage facilities
- the fact that the proposed development is on a designated Open Space area

- the impact to wildlife and the environment due to the disruption to the little remaining shrubbery in the area
- and the lack of a public transport service

From a selfish perspective...

- the plan suggests there would be a 3rd exit onto the main road thru West Kinfauns in a very short space, directly next to the existing bus stops, which gives me significant safety concerns, not least because of the speed that existing traffic travels at on that part of the road, and just doesn't make sense given the two existing exits
- In addition, the view from my property would change from countryside and shrubbery to one of a housing development

Based on the above, I have no alternative but to object to the application.

Best Regards

Richard Kemley

# Comments for Planning Application 21/01675/IPL

## Application Summary

Application Number: 21/01675/IPL

Address: Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns

Proposal: Residential development (in principle)

Case Officer: Persephone Beer

## Customer Details

Name: Mr William Myles

Address: [REDACTED]

## Comment Details

Commenter Type: Comment from Same Household

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Loss Of Open Space
- Loss Of Trees
- Out of Character with the Area
- Road Safety Concerns

Comment: My reasons for objecting to this application are as follows :

1. it is contrary to the present Land Development Plan which designates the proposed site for the development as Open Space and it fails to meet any of the 4 criteria that would be required to change this designation. This is supported by the comments from the Planning and Housing strategy section'

2. the development would lead to the loss of trees and hence natural habitat for wildlife on the proposed site

3. the proposed site has a lack of drainage infrastructure and the proposed solution to this would lead to putting increased pressure on the present drains which already struggle to cope. There is also the possibility that the development may lead to flooding in the area as there is already problem with lying water in times of heavy rain

4. there would be an increase in the flow of traffic as a result of the development and as well as having to remove some of the trees around the site there would be an increased chance of

accidents taking place

In summary I believe this proposed development rather than enhancing the area would be completely detrimental to the area and its present character.





To:	Persephone Beer, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	10/11/21

## **21/01675/IPL | Residential development (in principle) | Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns**

Thank you for consulting PKHT on the above planning application. I can confirm that the site does have some archaeological potential given its location and historical context. The wider historic context of this site is that it sits within a rich landscape with key focal points of human activity, such as across the river from scheduled site Elcho Nunnery (SM3232), and close to the medieval town of Perth.

As discussed in detail in the scoping report for the neighbouring Kinfauns development this area is recognised as potential marginal ground/ partially submerged. However, there is still a possibility for prehistoric remains associated with the river to exist, although this may be medieval land use evidence is more likely than early prehistoric. The 1<sup>st</sup> and 2<sup>nd</sup> Edition OS show the site has remained as open greenspace since the construction of the Walnut Grove cottages and settlement in this area and likely hasn't been intensively used for agricultural purposes.

Therefore, PKHT recommended that archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. This will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

### **Recommendation:**

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

- HE25** Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.



# WEST CARSE COMMUNITY COUNCIL



10<sup>th</sup> November 2021

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

Dear Sirs

**Planning Application 21/01675/IPL Land 45 Metres South Of Oaklea Kinfauns Holdings  
West Kinfauns**

The West Carse Community Council wish to object to this planning application as stated below.


1. This site is currently designated as open space on the LDP2, and was created purposely as a buffer between the cottages at Walnut Grove and the Holdings bungalows and should remain as such in perpetuity.
2. To allow building on this site would completely spoil the character and amenity of the area enjoyed by the residents of the hamlets over many generations.
3. With the poor porosity of the clay soil, on site drainage will be a major problem as surface water tends to pond following wet weather and with no mains drainage available septic tanks and soakaways will only compound the problem and would probably tend to cause seepage towards Walnut Grove cottages being they are on lower ground than the proposed site, causing severe concern for Walnut Grove owners.
4. Having been refused planning permission on a number of occasions and also refused on appeal the community council are of the opinion it should again be refused and the character of the area retained for all times in the future.

Yours faithfully.

West Carse Community Council



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

<b>Planning Application ref.</b>	<b>21/01675/IPL</b>	<b>Comments provided by</b>	Joanna Dick Tree and Biodiversity Officer
<b>Service/Section</b>	Strategy and Policy	<b>Contact Details</b>	 Email <a href="mailto:biodiversity@pkc.gov.uk">biodiversity@pkc.gov.uk</a>
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns		
<b>Comments on the proposal</b>	<p><b>Policy 40: Forestry, Woodland and Trees</b></p> <p>The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>A tree survey assessing the trees present and what the impact of the proposed development will be on trees and woodland should be submitted alongside any full planning application. The mitigation hierarchy of avoid, reduce and compensate should be followed and trees retained where possible. Mature trees may contain protected species such as bats.</p> <p>It is strongly encouraged that the existing trees and hedgerows are retained.</p> <p>In addition, planting native tree species and a boundary hedge of native species such as hawthorn, guelder rose and hazel would increase the biodiversity value of the site. Enhancing connectivity by linking to existing hedgerows and trees would contribute towards a key action in the Tayside Local Biodiversity Action Plan (LBAP).</p> <p><b>Policy 41: Biodiversity</b></p> <p>The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>Hedgerows are listed as a priority habitat under the UK Biodiversity Action Plan. Hedgerows are very important in providing corridors of semi-natural and structurally and floristically varied habitat within extensive lowland farmland areas which are otherwise of very limited ecological value. A hedgerow is present on the proposed development site and the impact of the development on hedgerows should be submitted alongside any planning application. The mitigation hierarchy of avoid, reduce and compensate should be followed and hedgerows retained where possible.</p> <p>It is strongly encouraged that the hedgerows are retained.</p>		

	<p>Ecological survey is required to fully assess the impacts of this proposed development on biodiversity. For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. Clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive.</p> <p><u>Biodiversity Enhancement</u></p> <p>Enhancement for biodiversity should be an objective of all planning projects and can be realised in several ways depending on location, surrounding habitats and landscape character. An ecologist will advise on this, and measures may include:</p> <ul style="list-style-type: none"> <li>• Planting native trees, orchards, hedgerows and wildflowers.</li> <li>• Providing nesting boxes, bricks or tubes for bird and bat species.</li> <li>• Creating wildlife corridors for hedgehogs, frogs and newts</li> </ul> <p>Hedgehogs are a key species in the Tayside LBAP and enhancing connectivity is an objective. There are records of hedgehogs in the area and the urban habitat and gardens will provide a suitable resource for hedgehogs. Commuting should be made possible by creating access gaps in wooden fences 13cm x 13cm at ground level.</p> <p>Tree and house sparrows are red listed as birds of conservation concern and providing nest bricks or boxes for these species would enhance the biodiversity value of the site. This would contribute towards the Sparrows on the Edge Project in the Tayside Local Biodiversity Action Plan.</p> <p>Guidance is available on the Tayside Biodiversity Partnership website: <a href="http://www.taysidebiodiversity.co.uk/information/information-guides-manuals/">http://www.taysidebiodiversity.co.uk/information/information-guides-manuals/</a></p>
<b>Recommended planning condition(s)</b>	<p>If you are minded to approve this application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> <li>• All trees and hedgerows to be retained.</li> <li>• Submission of ecological survey undertaken by suitably qualified and experienced persons.</li> <li>• Submission of a tree survey and tree protection plan.</li> <li>• Provision of biodiversity enhancement measures such as bird nesting boxes or bricks.</li> </ul>
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	11 November 2021

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

<b>Planning Application ref.</b>	21/01675/IPL	<b>Comments provided by</b>	Lucy Garthwaite
<b>Service/Section</b>	Waste Services	<b>Contact Details</b>	01738 475262
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfaun		
<b>Comments on the proposal</b>	Bins will be collected from the U202. The developer is required to install a bin collection point with hard standing at the entrance to the site. The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres, have a level gradient and a smooth surface; use dropped kerbs where appropriate.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>	<p>The developer should please note that Perth &amp; Kinross council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin. Further information is available by contacting the Community Waste Team</p> <p><a href="mailto:communitywasteadvisers@pkc.gov.uk">communitywasteadvisers@pkc.gov.uk</a></p>		
<b>Date comments returned</b>	26/11/21		





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

<b>Planning Application ref.</b>	21/01675/IPL	<b>Comments provided by</b>	G Bissett
<b>Service/Section</b>	HE/Flooding	<b>Contact Details</b>	
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 45 Metres South Of Oaklea Kinfauns Holdings West Kinfauns		
<b>Comments on the proposal</b>	<p>We note points raised in objections regarding potential surface water issues situated in the western corner of this site. This includes concerns over poor porosity of the clay soils. The risk is also highlighted by the SEPA Flood Hazard Maps (surface water layers).</p> <p>No details are provided regarding how surface water will be dealt with, although it is noted that a drainage strategy will be submitted alongside any future detailed applications. The drainage design is required to be in line with the requirements set out in the <a href="#">Flood Risk supplementary Guidance document</a>. This should also be designed to accommodate any existing surface water issues on the site.</p> <p>At this stage, we would request that an indicative outline drainage design is provided, to ensure a feasible drainage design can be achieved. This should include any supporting information, such as:</p> <ul style="list-style-type: none"> <li>• ground investigations/infiltration testing to determine feasibility should infiltration measures be proposed</li> <li>• sizing calculations (to 1:200yr plus 35% cc rainfall event)</li> <li>• details of where surface water may be discharged to, should a positive outfall be proposed</li> </ul>		
<b>Recommended planning condition(s)</b>	<p><b>DR00</b> Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.</p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	06/01/22		

