

**TCP/11/16(615) – 19/00473/IPL – Residential development (in principle), land 110 metres south east of Birkfield Park, Rumbling Bridge**

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**TCP/11/16(615) – 19/00473/IPL – Residential development (in principle), land 110 metres south east of Birkfield Park, Rumbling Bridge**

**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 100179606-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	JJF Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Joe	Building Name:	
Last Name: *	Fitzpatrick	Building Number:	35
Telephone Number: *	07974426615	Address 1 (Street): *	Aytoun Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Burntisland
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY3 9HS
Email Address: *	joe.fitzpatrick390@gmail.com		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="."/>	Building Name:	<input type="text" value="Albany House"/>
First Name: *	<input type="text" value="."/>	Building Number:	<input type="text" value="80"/>
Last Name: *	<input type="text" value="."/>	Address 1 (Street): *	<input type="text" value="Rose Street"/>
Company/Organisation	<input type="text" value="Alduis Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dunfermline"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY12 0RE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 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

Northing	<input type="text" value="699333"/>	Easting	<input type="text" value="301978"/>
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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)

19/00473/IPL | Residential development (in principle) | Land 110 Metres South East Of 3 Birkfield Park Rumbling Bridge

## 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.

See attached Request For Review 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)

Document 1 - Council's Decision Notice 19/00473/IPL Document 2 - Supporting Statement submitted with application. Document 3 - Letter from Shepherd Chartered Surveyors 23rd Jan 2019

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/00473/IPL

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

12/04/2019

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

10/06/2019

## 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: Mr Joe Fitzpatrick

Declaration Date: 09/09/2019



Joe Fitzpatrick  
**Planning Consultant**

Joe.fitzpatrick390@gmail.com  
07974426615  
01592874360

**REQUEST FOR REVIEW**

Application for Planning Permission in Principle 19/00473/IPL  
Residential development (in principle)  
Land Adjacent to Birkfield Park Rumbling Bridge

9<sup>th</sup> September 2019

## **1.0 INTRODUCTION**

- 1.1 An application for planning permission in principle (Ref: 19/00473/IPL) for residential development was submitted to the Council on 12<sup>th</sup> April 2019. On the 10<sup>th</sup> June 2019 the application was refused under delegated powers for the following reasons:

- 1. The proposal is contrary to Policy ED1 of the Perth and Kinross Local Development Plan 2014 which identifies the site for employment uses. A residential development on the site would be contrary to this allocation.*
- 2. Policy EP8 (noise pollution) of the Perth and Kinross Local Development Plan 2014 seeks to locate noise sensitive uses away from sources of noise generation. A Noise Impact Assessment is required on this site. The proposal is contrary to this policy as no Noise Impact Assessment has been submitted to demonstrate that this is a suitable site for the type of development proposed.*
- 3. Policy NE2B, Forestry Woodland and Trees of the Perth and Kinross local Development Plan 2014 requires a tree survey to be submitted where there are trees on a site. There are trees on the site and no tree survey has been submitted.*
- 4. The proposal is contrary to Policy PM1A and PM1Bb) and c) as residential development as proposed on this site would not contribute positively to the quality of the surrounding built and natural environment. In addition the plot layout proposed does not respect the site topography or complement its surroundings.*

- 1.2 A copy of the Decision Notice has been attached with this submission (Document 1). A Supporting Statement was submitted with the application and this is included for consideration (Document 2). The Supporting Statement details the relevant planning history relating to the site, describes the proposals in detail and sets out a justification for approval of the application in relation to development plan policy.

## **2.0 GROUNDS OF APPEAL**

- 2.1 The first reason for refusal states:

- 1. The proposal is contrary to Policy ED1 of the Perth and Kinross Local Development Plan 2014 which identifies the site for employment uses. A residential development on the site would be contrary to this allocation.*

- 2.2 However, the introductory paragraph within the Supporting Statement states that the proposals involve continued use for employment land purposes. In this regard the Supporting Statement advises:

*To summarise the case, although submitted as an application for residential development, it is not intended to seek a change of use from the current employment land designation for the site to a solely residential one. To the contrary, the proposed development is intended to deliver a more realistic option for the delivery of rural employment opportunities than the current general employment land designation is capable of delivering. In this regard, the proposals draw on the Council's experience with the successful implementation of employment generating development through the innovative mixed use approach adopted for the nearby Site E23 at Powmill.*

- 2.3 This site has been allocated for general industrial purposes, and actively marketed as such, for over 15 years without any success. Details of the most recent marketing exercise are set out within the letter from Shepherd Chartered Surveyors dated 23<sup>rd</sup> January 2019 which was submitted with the application (Document 3).
- 2.4 With the prospect of the site continuing to lack any worthwhile use for employment purposes under the current general industrial designation it is considered that a proposal to adopt an/



alternative employment land model presents an opportunity for the Council to take positive action with a more realistic strategy for the site. In this regard, the employment land model currently being pursued by the Council on Site E23 at Powmill has proved to be a resounding success. As well as being designated within the Adopted Local Development Plan, the Council's recognition of the success of Site E23 as an alternative employment land model is further demonstrated by the continued inclusion of the site within the Proposed Plan:

## Powmill *(continued)*

Ref	Location	Size	Uses
E23	Powmill Cottage	1.5 ha	Employment use with associated residential
<p>Encouragement will be given to the development or expansion of employment opportunities where the development would be compatible in amenity and land use terms with surrounding land uses. Single dwellinghouses in association with an employment use may be permitted where the employment use can exist as a stand-alone unit.</p> <p><b>Site Specific Developer Requirements</b></p> <ul style="list-style-type: none"> <li>• Flood Risk Assessment.</li> <li>• Landscape Framework.</li> <li>• Enhancement of biodiversity, natural space and riparian strip.</li> <li>• Noise Impact Assessment.</li> </ul>			

2.5 Given the above, the first reason for refusal is incorrect in stating that the proposals are contrary to the employment use allocation. On this basis the proposed development is considered to be entirely consistent with the terms of Policy ED1 of the Perth and Kinross Local Development Plan 2014.

2.7 In addition to the above, it will be noted that Site E24 is located in close proximity to the residential properties on Birkfield Park. In the very unlikely event that a general industrial use were to be attracted, such a use, even for Class 4 purposes, would raise the potential for adverse impacts on residential amenity, particularly in relation to noise associated with processing activities as well as the arrival and departure of staff, public and delivery vehicles.

2.8 In addition, such potential amenity impacts, or perceived impacts on amenity associated with an as yet unknown employment land use, could have a bearing on the value of nearby properties. Although it is noted that such considerations are non-material to the determination of an application for planning permission, the Council's wider responsibilities to act in the interests of its constituents would be best served through the adoption of the combined employment/residential use model currently being successfully implemented at Site E23. Such a model has the benefit of being self policing in that those occupying the dwellinghouses will have a vested interest in taking direct measures to regulate any amenity impacts.

2.6 The second reason for refusal states:

*2. Policy EP8 (noise pollution) of the Perth and Kinross Local Development Plan 2014 seeks to locate noise sensitive uses away from sources of noise generation. A Noise Impact Assessment is required on this site. The proposal is contrary to this policy as no Noise Impact Assessment has been submitted to demonstrate that this is a suitable site for the type of development proposed.*

2.7 Although it is recognized that the Case Officer dealing with this application has taken a pragmatic approach in the interests of avoiding the applicant incurring additional costs, given the intention to refuse the application anyway based on a misconception that the proposals are related to replacing the existing employment land allocation for the site, no request was made to submit a noise assessment. Therefore, although it is correct that a noise assessment was not submitted, it hardly seems fair to refuse the application on such a basis when the applicant would have been perfectly willing to do so if requested. In addition, this is an application for planning permission in principle and should the Local Review Body be minded to accept the merits of the proposals as a more realistic employment land option for the site, then the requirement for submission of a noise assessment can be dealt with as a condition to an approval.

2.8 Likewise in relation to the third reason for refusal:

*3. Policy NE2B, Forestry Woodland and Trees of the Perth and Kinross local Development Plan 2014 requires a tree survey to be submitted where there are trees on a site. There are trees on the site and no tree survey has been submitted.*

2.9 Although the Case Officer has again clearly sought to act in the applicants interests by not requesting a tree survey, with the considerable cost associated with such, it does seem unfair to then refuse the application on such a basis. In addition, such a reason for refusal is considered to be unmerited in that the requirement to submit a tree survey can be dealt with as a condition attached to an approval of the planning permission in principle should the Local Review body be minded to accept the merits of the proposals as a more realistic employment generating option for the site.

2.9 The fourth reason for refusal states:

*4. The proposal is contrary to Policy PM1A and PM1Bb) and c) as residential development as proposed on this site would not contribute positively to the quality of the surrounding built and natural environment. In addition the plot layout proposed does not respect the site topography or complement its surroundings.*

2.10 In addressing this reason for refusal it is considered premature for such a judgment to be made when only limited design details, consisting solely of an indicative site layout, have been submitted with the application. It must be stressed that the layout submitted on the plan is purely indicative. Notwithstanding, where it is considered that such an indicative layout is unacceptable in design terms, then normal practice under an application for planning permission in principle is to attach a condition to an approval saying so.

2.11 Clearly, this reason for refusal is not saying that a design solution under any form of residential development would be unacceptable. On this basis an acceptable design will be achievable and the applicant is willing to work closely with the Council in this. Again, it is appreciated that the reason the Case Officer has elected not to pursue this as part of the assessment of this application is to avoid the applicant incurring additional costs given the intention to refuse the application based on a misconception that the proposals are related to replacing the existing employment land allocation for the site with a purely residential use.

### **3.0 CONCLUSION**

3.1 The primary reason for refusal of this application is based on an apparent misconception that the proposals relate to a purely residential use of the site. However, the proposals involve the adoption of the Council's own combined employment/residential land model which has been successfully implemented at Site E23 at Powmill, as detailed in the Supporting Statement. On this basis the proposals presented within this application for planning permission in principle are not contrary to the existing employment land allocation for the site, as stated under the first reason for refusal.

3.2 Over a period in excess of 15 years it has been demonstrated that there is no interest in the site for general industrial use, despite active marketing as such. If this site is to make any contribution to the achievement of the Council's economic development objectives then it's now time to rethink the strategy for this site and the proposals to adopt the employment land model associated with site E23 at Powmill represent a means of doing so. Persistence with the current general industrial employment land model will result in the land remaining unproductive indefinitely.

3.3 If the Local Review Body is minded to accept the merits of the alternative employment land model for Site E24 at Rumbling Bridge then the other three reasons for refusal can be addressed by conditions attached to an approval of planning permission in principle.

3.4 In view of the above, the proposed development is considered to be entirely consistent with the Perth and Kinross Local Development Plan. Therefore a favourable determination under Section 25 of the Town and Country Planning (Scotland) Act 1997 is considered to be merited. For this reason it is requested that this application for planning permission in principle be approved.

# PERTH AND KINROSS COUNCIL

Alduis Ltd  
c/o JJF Planning  
Joe Fitzpatrick  
35 Aytoun Crescent  
Burntisland  
KY3 9HS

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 10th June 2019

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00473/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 12th April 2019 for permission for **Residential development (in principle) Land 110 Metres South East Of 3 Birkfield Park Rumbling Bridge** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy ED1 of the Perth and Kinross Local Development Plan 2014 which identifies the site for employment uses. A residential development on the site would be contrary to this allocation.
2. Policy EP8 (noise pollution) of the Perth and Kinross Local Development Plan 2014 seeks to locate noise sensitive uses away from sources of noise generation. A Noise Impact Assessment is required on this site. The proposal is contrary to this policy as no Noise Impact Assessment has been submitted to demonstrate that this is a suitable site for the type of development proposed.
3. Policy NE2B, Forestry Woodland and Trees of the Perth and Kinross local Development Plan 2014 requires a tree survey to be submitted where there are trees on a site. There are trees on the site and no tree survey has been submitted.

4. The proposal is contrary to Policy PM1A and PM1Bb) and c) as residential development as proposed on this site would not contribute positively to the quality of the surrounding built and natural environment. In addition the plot layout proposed does not respect the site topography or complement its surroundings.

### **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**

**19/00473/1**

**19/00473/2**

**19/00473/3**

**19/00473/4**

## Supporting Statement

19/00473/IPL Residential development (in principle)

Land 110 Metres South East Of 3 Birkfield Park

Rumbling Bridge

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1.0 **INTRODUCTION**

1.1 This Supporting Statement sets out a Development Plan based justification for approval of the development proposed under planning application 19/00473/IPL. To summarise the case, although submitted as an application for residential development, it is not intended to seek a change of use from the current employment land designation for the site to a solely residential one. To the contrary, the proposed development is intended to deliver a more realistic option for the delivery of rural employment opportunities than the current general employment land designation is capable of delivering. In this regard, the proposals draw on the Council's experience with the successful implementation of employment generating development through the innovative mixed use approach adopted for the nearby site E23 at Powmill.

1.2 In addition, now that the period for the submission of representations has all but closed, the Statement also seeks to respond positively to the issues raised by third parties. In this regard it is noted that some of the representations submitted via the Perth and Kinross Council On-line Planning Application Portal have not been cleared for publication as yet and further comment will be offered once they become available for consideration on completion by the Council of their vetting process.

2.0 **TERMS OF ASSESSMENT**

2.1 The terms of assessment for this application for planning permission are set out within the Town and Country Planning (Scotland) Act 1997 (the Act). Specifically, Sections 25 and 37(2) of the Act provide the primary legislative context within which Planning Authorities are required to reach decisions on individual applications for planning permission. Section 25 advises that:

*Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.*

Section 37(2) of the Act further advises that:

*In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.*

2.2 The development plan relating to the application site consists of the strategic level TAYplan and the more detailed, site specific, Perth and Kinross Local Development Plan 2014. Given its more strategic scope, the policies set out within TAYplan are less directly relevant to an assessment of the proposed development. This supporting statement focuses on the Perth and Kinross Local Development Plan as the primary source for the consideration with respect to Section 25 of the Act. The Perth and Kinross Proposed Local Development Plan 2 forms a material consideration in the assessment of this application for planning permission and reference is made to it's terms where relevant.

2.3 Given that the current application seeks to address issues of principle associated with the proposed development, this Supporting Statement focuses solely on establishing the validity of the overall principle against the current and proposed development plan position. Issues associated with more detailed development plan considerations e.g. design, amenity, road safety, landscape impact, and drainage etc, can be addressed at the more detailed level under any subsequent further application. In this regard it is noted that the site is currently allocated as general employment land and that therefore the Council considers that development of the site with respect to these more detailed issues can be successfully achieved. It should also be noted that the layout submitted with this application is purely intended as an indicative layout, there being no requirement under an application for planning permission in principle to be specific in this regard.

### 3.0 SITE HISTORY

3.1 The site is currently identified within the Perth and Kinross Local Development Plan as site E24 extending to 0.6Ha and designated as general employment land. This most recent development plan designation represents a continuation of the earlier employment land designation under the Kinross Area Local Plan 2004. Despite the failure of the site to deliver any progress towards the provision of employment opportunities over successive development plans spanning a period in excess of 15 years this general employment land designation has been repeated unchanged within the Proposed Local Development Plan, with the same site reference E24.



3.2 Prior to this the site was the subject of an application for outline planning permission (Ref: 04/02585/OUT) for an office and workshop, a childcare nursery, tea room and 5 holiday chalets. This application was approved and a subsequent reserved matters application followed (Ref: 08/01412/REM), which was also approved. Although this application was never implemented, this is a consequence of the general financial collapse that occurred in 2008 as opposed to there being any inherent shortcomings with the feasibility of such a development option. Most importantly the pursuit of such a development proposal by the developer at that time serves to indicate that a mixed use option holds the best prospects for realising any employment potential associated with the site. Such a consideration is reinforced by the fact that the single use designation for general employment based development within two successive development plans has failed to deliver any prospect of development of the site.

3.3 In terms of the most recent history, the current owner acquired the site in 2016 and has committed considerable effort to marketing the property for general industrial use over the last three years. In this regard, despite aggressive on-line marketing and erection of an advertising hoarding on the site there has been no interest expressed in the site for employment land purposes. This failure to market the site for general employment land purposes despite concerted efforts over a three year period is substantiated by correspondence from Shepherds Chartered Surveyors dated January 23<sup>rd</sup> 2019 (Appendix 1). Most significantly, some limited interests in development of the site for residential purposes had been received but not taken any further on clarification by Shepherds that the site was designated solely for general employment use. This provides an indication that the catalyst for development of the site is linked to a mixed use combining residential development with employment generating activity.

#### 4.0 DEVELOPMENT PLAN ASSESSMENT

4.1 The current designation of the site within the adopted Perth and Kinross Local Development Plan (2014) and the Proposed Local Development Plan for general employment land purposes is considered to be contrary to the fundamental principles of promoting sustainable travel patterns. At paragraph 4.3.14 (page 65) the Plan notes that:

4.3.14 Perth and Kinross generated a higher level of emissions than the Scottish average due in part to the rural nature of the area and the limited public transport system in the remoter rural parts of Perth and Kinross.

4.3.15 Reducing the need to travel and ensuring good access to public transport and other more sustainable modes such as/

walking and cycling for necessary trips should begin to reduce greenhouse gas emissions. There remains a need to manage mobility (i.e. reduce the need to travel) and to rebalance the split between car and other modes.

4.2 The demographic and socio-economic profile of the population of Rumbling Bridge, with its tendency towards providing accommodation for retired persons and business executives, provides strong support for the argument that any general employment generation use at site E24 will be resourced by persons from out-with the settlement. Given the lack of public transport serving the area it is likely that any such employment generating development will result in an increase in demand for travel by car. This is not only fundamentally at odds with the key principles of the current Local Development Plan but also with the Proposed Plan and the consolidated Scottish Government Scottish Planning Policy (SPP).

4.3 The remoteness of the site from a readily available source of labour, including support labour such as cleaners, electricians, plumbers etc , and the lack of direct supporting facilities such as childcare and retail facilities to supply basic essentials, are further factors reinforcing the prospect that this site will remain unmarketable for general employment use.

4.4 Given that the existing Development Plan site context has failed to deliver any progress, and any prospect for future progress, over a 15 year period, it is considered that some alternative approach to the promotion of employment opportunities at the site should be investigated. In this regard reference has been made previously within this Supporting Statement to the Council's success in promoting employment generating activity at the nearby site E23 at Powmill. The Proposed Perth and Kinross Local Development Plan lists this as Site E23:

**Powmill Cottage 1.5 ha Employment Use with Associated Residential Development**

*Encouragement will be given to the development or expansion of employment opportunities where the development would be compatible in amenity and land use terms with surrounding land uses. Single dwellings in association with an employment use may be permitted where the employment use can exist as a stand-alone unit.*

- 4.5 The fact that Site E23 at Powmill has attracted considerable direct employment generating activity since it's designation, with a large amount of interest from many investors, demonstrates that the Council's adoption of this innovative approach to the promotion of rural employment is a model capable of producing direct economic development results within more rural areas. The A977 corridor is considered to be a prime location for the promotion of this employment land model. Rather than continuing with a outdated employment land concept which has demonstrably failed to produce results, over many years of trying, it is considered that a more realistic option for promoting rural employment activity at the Rumbling Bridge site would be for the Council to adopt the same innovative approach it is currently pursuing at it's highly successful site at Powmill.
- 4.6 In Development Plan history terms there is little to separate the evolution of Sites E23 at Powmill and E24 at Rumbling Bridge. The Report of Handling of the associated with Planning Permission 08/01412/REM demonstrates that the same development plan policy environment, i.e. Policy 82 of the Perth and Kinross Local Plan, which gave rise to the progressive and innovative approach adopted by the Council at Powmill, was exactly the same policy regime applying to site E24 at Rumbling Bridge. The circumstances surrounding the internal deliberations relating to why the Powmill site should have progressed to achieve its employment generating objectives whilst the Rumbling Bridge site stagnated are unknown. However, the success of the later should provide the Council with sufficient confidence to reconsider the fate of the former.
- 4.7 In view of the above, despite the current designation of Site E24 for general employment use, it is considered that other material considerations dictate that approval of the proposed development as a mixed use residential/employment opportunity, under the same model adopted for Site E23 at Powmill, represents the only realistic opportunity for the promotion of employment generating activity at the site. Given the terms of Section 25 of the Act, notwithstanding the terms of the Perth and Kinross Local Development Plan 2014, such a determination falls within the legitimate scope of deliberation by the Council in relation to this application.

## 5.0 COMMENTS ON REPRESENTATIONS

- 5.1 The representations that are currently available for scrutiny on the Council's on-line planning application portal do not address any of the issues of principle to which this Supporting Statement is directed. Whilst the concerns of the local residents in relation to the issues raised/

are all recognised as worthy considerations, the issues are generic in nature and would also be relevant to the development of the site in accordance with its current land use designation within the local Development Plan for general industrial use. Such more detailed considerations are more appropriately addressed within the context of any further application for planning permission or a further application under an approval in principle.

5.2 However, having considered the various terms of objection it is apparent that a wider issue relating to the current Local Development Plan designation for the site has perhaps been missed by local residents. Under the general employment land designation currently assigned to Site E24 the options for development relate to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes ) (Scotland) Order 1997. Although a use under Class 4 is defined as one which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, etc, no such provisions apply to a Class 5 use. Granted, any such use would require scrutiny under an application for planning permission and this would in theory provide scope for any adverse effects to be regulated. However, the Council would be unable to resist the general principle of a Class 5 use at the site. This could then lead to unforeseen adverse impacts on residential amenity, perhaps from as simple an activity as the arrival or departure of heavy goods vehicles late at night, storage of odorous materials or waste pending collection by the Council, or noise generating activity at weekends. Once approved, such activity by a Class 5 operation is very difficult for the Council to regulate. In addition, given the location of the site, the most realistic option for development relates to a Class 6 Storage or Distribution use. Again, the Council would be unable to resist the general principle of such a use having designated it as such within the Local Development Plan. This would then open up the prospect of significant noise generating activity at anti-social hours or at weekends, activity which the Council would then be hard pressed to curtail.

5.3 As an alternative, approval of the current proposals for Site E24 would in effect be self regulating in terms of controlling potential amenity impacts in that the employment activity at the site would be associated with a residential use with a vested interest in ensuring that any such adverse impact on amenity is avoided.

**6.0 CONCLUSION**

- 6.1 The Council is actively pursuing an approach to the promotion of rural employment generating activity on a nearby site at Powmill, with some considerable success. This model represents an ideal opportunity for the promotion of the same level of success at Site E24 Rumbling Bridge. Site E24 has been promoted by the Council as a general employment site for over 15 years, without success. It's time to re-think this failed strategy and adopt a proven success. As well as representing just such a model for success, Site E23 at Powmill also presents an opportunity to achieve the development of Site E24 at Rumbling Bridge without generating unsustainable patterns of travel.
- 6.2 The designation of Site E24 at Rumbling Bridge for general industrial use also opens up the prospect of the site being used for any Class 4, 5 or 6 use under the Town and Country Planning (Use Classes) (Scotland) Order 1997. Although such uses will be subject to scrutiny under an application for planning permission, the prospect of a Class 5 general industrial use on the site, with unforeseen impacts in terms of amenity on neighbouring residential uses, is a very real consideration. This could be something as simple as large vehicle movement's late at night or unregulated noise generating weekend activity. The adoption by the Council of a mixed use residential/employment development option for site E24 will be self regulating in terms of any such potentially adverse amenity impacts.
- 6.3 Under the terms of Section 25 of The Act the Councils has the option of accepting such a pragmatic approach to the future development of Site E24. An approach which will offer a more realistic approach in terms of prospects for ever generating employment activity at the site and ensuring the any such activity does not result in adverse effects on the amenity of existing nearby residential properties.

## **Appendix 1**

**Shepherd • Chartered Surveyors • 11 Gladstone Place • Stirling. FK8 2NN • Tel 01786 450438 • Fax 01786 465063  
DX ST35 Stirling • E-mail [stirling@shepherd.co.uk](mailto:stirling@shepherd.co.uk)  
Regulated by RICS**

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Albany House  
Rose Street  
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KY12 0RE

**Partners**

George P Brewster FRICS  
Ian J Fergusson BSc FRICS  
Christopher J Grinyer BSc MRICS  
Gerry McCluskey Dip Prop Invest MRICS  
J Malcolm Hunter MRICS  
Kevin I Angus MRICS  
Paul Taylor MRICS  
Ian F Hannon BSc (Hons) MLE MRICS  
Jason Begg MRICS  
Craig Brown BSc MRICS  
Michael Horne BSc MRICS  
Darren Lewis BSc (Hons) MRICS  
Ewen Sparks BSc MRICS  
Graeme Stewart Dip Surv MRICS  
Steven W Barnett BLE FRICS  
D Niall Gunn BSc MRICS

Neil Thomson BSc MRICS  
Martin Waite MRICS  
Adrian Stott BA (Hons) Dip Surv FRICS  
Lachlan G R MacFarlane BSc MRICS  
Jonathan Reid BLE (Hons) MRICS  
Donal Henretty BLE MRICS  
James U Richardson MA (Hons) MRICS  
William Laidlaw MRICS  
Gregor Simpson BLE MRICS  
Alan Fleming MRICS  
Kevin N Bell BSc MRICS  
Anthony Bennett BLE MRICS  
Colin Campbell MRICS  
Stuart Dume BSc (Hons) MRICS  
Christopher Hunter MA (Hons) MRICS

Andrew Neil MRICS  
Andrew D Sykes MRICS  
Paul J Duncan BSc (Hons) MRICS  
Kristofer Hall MRICS

**Associates**

Paul Carr BSc (Hons) MRICS

PC/cm

23 January 2019  
Dear Sirs

### **Development Site, Rumbling Bridge, KY13 0PS**

I refer to previous correspondence and conversations regarding the ongoing marketing of the above site by Shepherd on your behalf.

In order to recap on marketing initiatives undertaken to date, we were originally instructed to offer the site for sale in April 2016. During this period the site has been listed on J & E Shepherd's own website together with the other main commercial property websites including Novaloca, Showcase/Costar and EGI. In addition, we have undertaken regular mailshots to all contacts listed on our Commercial Agency Database. A For Sale Board has also been erected on the site during this period.

During the period of marketing since April 2016 there has been very limited interest shown in the site with in total only five recorded enquiries being received during this period. None of these enquiries have progressed beyond the initial contact and discussion and we have no enquiries at all within the last 9 month period.

Whilst the subject site is technically unconsented planning terms, we have marketed the property on the basis that it is a commercial development opportunity given that the last planning consent granted lapsed in 2008 which was for the erection of a children's day nursery and five holiday chalets. None of the enquiries which we have received have related to proposed development of commercial nature and each was in connection with the subject's potential to be developed for residential use.

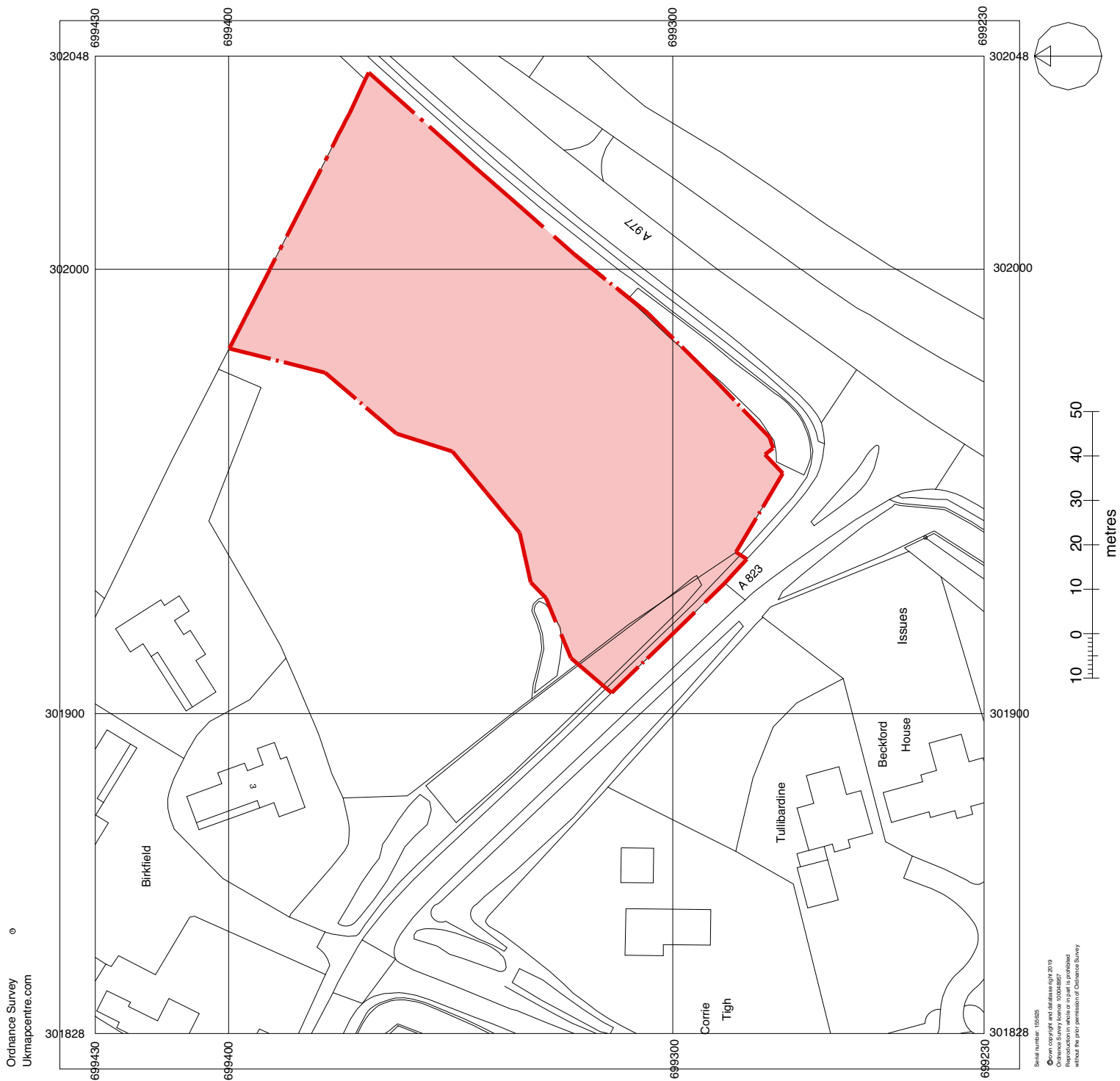
We are continuing to market the property for you and will update you as and when any further interest is received. We would make the recommendation however that there is little or no demand for a development of a commercial nature on this site and we are of the view that, if you wish us to achieve a sale for you, then consideration should be given to remarketing the site as residential development opportunity.

I trust that this brings you fully up to speed and I would be pleased to provide any further information you may require at this stage.

Yours faithfully

Paul Carr BSc (Hons) MRICS  
Associate  
For J & E Shepherd







PRELIMINARY.



Kilmory, Crombie Point, Crombie,  
by Dunfermline, KY12 8LQ  
Tel: 01383 882382

Project  
Proposed House Plots,  
Rumblingbridge,  
  
**SITE LAYOUT.**

Drawn By ED	Date Feb'18	Scale 1:200	Drawing No. 1614: C.01
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<p><b>TCP/11/16(615) – 19/00473/IPL – Residential development (in principle), land 110 metres south east of Birkfield Park, Rumbling Bridge</b></p>
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**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 47-48)*

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 49-58)*



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	19/00473/IPL	
Ward No	P8- Kinross-shire	
Due Determination Date	11.06.2019	
Report Issued by		Date
Countersigned by		Date

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

**LOCATION:** Land 110 Metres South East Of 3 Birkfield Park Rumbling Bridge

### SUMMARY:

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

**DATE OF SITE VISIT:** 22 May 2019

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission is sought for residential development (in principle) on a site to the east of Rumbling Bridge. The site is at the junction of the A823 road that serves Rumbling Bridge and the A977 public road. The A977 road is at the top of a steep bank with the site itself also being on a slope with a flatter area on the west which then rises up again to the northwest. The site is well vegetated containing a number of trees and bushes.

The proposed access to the site is from the A823 Rumbling Bridge road around 60 metres from the A977 junction. The indicative plans show a number of trees around the new access being removed.

Previously this site was granted approval for 5 holiday chalets and a nursery (08/01412/REM). A proposal for 13 holiday chalets was refused in 2007 and again at appeal (06/02120/FUL). Concerns were raised at that stage in relation to waste water treatment, landscape and access.

## **SITE HISTORY**

04/02585/OUT Erection of childrens nursery and chalets (in outline) Approved under delegated powers – 2 December 2005

06/02180/FUL Erection of 13 holiday chalets Refused by Committee on 17 July 2007 - appeal dismissed.

08/01412/REM Erection of a nursery and 5 chalets (reserved matters) - Approved by Committee on 19.11.2008

17/0062/LDP2 Development of a 0.6 ha site for employment use. The site has previously been allocated for the proposed use.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 16/00819/PREAPP

## **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 2014.

## **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 2014 – Adopted February 2014**

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

The principal policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

### **Policy ED1A - Employment and Mixed Use Areas**

Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

### **Policy NE2B - Forestry, Woodland and Trees**

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy EP8 - Noise Pollution**

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy EP2 - New Development and Flooding**

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability

of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

### **OTHER POLICIES**

Developer Contributions Supplementary Guidance 2016

### **CONSULTATION RESPONSES**

Transport Planning

No objection subject to condition.

Scottish Water

No objection.

No Scottish Water foul drainage in the area. Would need to investigate private treatment options.

Development Negotiations Officer

Conditions required with regard developer contributions for primary education and affordable housing.

Environmental Health (Noise Odour)

Insufficient information has been provided to demonstrate that this is a suitable location for the proposed development. Noise impact assessment required.

Environmental Health (Contaminated Land)

Condition required for contaminated land survey.

Perth And Kinross Heritage Trust

No impact on archaeological interests.

Fossoway Community Council

Object to the proposal.

Strategy And Policy

Contrary to Development Plan.

Flooding and Structures

Require consultation on detail of drainage arrangements.

## **REPRESENTATIONS**

Seven representations have been received in relation to this proposal including an objection by Fossoway and District Community Council. The following points were made:

- Contrary to Development Plan
- Traffic and road safety
- Water
- Drainage
- Flooding
- Impact on trees, biodiversity/wildlife
- Lack of information
- Impact on power lines
- Visual amenity and landscaping
- Design
- Inaccuracies in application
- Previous appeal decision

In relation to the penultimate comment on above I would note that the Community Council highlighted that the list of neighbours consulted was not accessible and also that the name of the applicant had been redacted. Both these issues were addressed.

There was also a comment on whether the appeal decision “has been overruled” by this proposal. I would advise that the previous permission has now expired as no works were commenced on site in relation to this proposal.

The remaining points above will be considered in the appraisal section of the report.

## ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

### Policy Appraisal

The site is allocated as E24 as a site for employment uses in the adopted Local Development Plan. Site specific requirements include submission of a Noise Impact assessment.

Policy ED1A of the Adopted Plan and Policy 7A of the Proposed Plan both require that areas identified for business use should be retained for such a use. This aspect of proposed Policy 7 has not been challenged in the consultation of the Proposed Plan and therefore is not subject to examination and will be retained in the Plan when it is adopted. Residential development of the site would be contrary to the adopted and proposed Local Development Plan. Development Planning colleagues have further commented that the settlement boundary in both the Adopted Plan and Proposed Local Development Plan has been drawn to provide opportunities for residential development through infill sites. During preparation of the Proposed Plan an assessment of housing land requirements was carried out and allocations identified to meet (and exceed) that need in the Kinross-shire area. The settlement boundary has not received any significant challenge in the consultation on the Proposed Plan and there is adequate infill opportunity within the settlement boundary. There is no identified need for additional housing in Rumbling Bridge or the wider area to justify removing an employment site.

Policy EP8 (noise pollution) seeks to locate noise sensitive uses away from sources of noise generation. There is concern that noise from the A977 would be detrimental to any proposed residential use. A Noise Impact Assessment is required but has not



been submitted. The proposal is contrary to this policy as no Noise Impact Assessment has been submitted to demonstrate that a noise will impact on the site.

Policy NE2B, Forestry Woodland and Trees is also relevant. This requires a tree survey to be submitted where there are trees on a site. There are trees on the site and no tree survey has been submitted.

Policy EP2, New Development and Flooding, seeks to site new development away from areas of flood risk. In this case the site specific requirements in the Local Development Plan seek a Flood Risk Assessment but having discussed this with the Council's Flooding and Structures it is noted that the site is not within an area at risk of flooding and that an FRA is not required. However a Drainage Impact Assessment would be required in relation to the proposed SUDS pond.

Policy EP3C, Surface Water Drainage, requires all new development to employ Sustainable Urban Drainage Systems (SUDS) measures.

Placemaking policies (PM1A and PM1B) are also relevant as these seek to ensure that development is compatible with its surroundings and makes a positive contribution to the built and natural environment. In this case the siting of residential development on this site is not considered compatible with the surroundings and would not make a positive contribution to the built and natural environment.

## **Design and Layout**

The application seeks in principle permission for the access, plot layout and SUDS. The layout shows five detached dwellinghouses with an access to the A823. The principle of residential development on this site is not supported and it is also doubtful whether the site characteristics are conducive to residential development given its proximity to the A977 road and challenging topography which would be likely to require hard engineering solutions including extensive use of retaining walls.

## **Landscape and biodiversity**

The site is adjacent to the A977 and would essentially form the entrance to the village. There are few trees currently on the roadside here and a number would be lost along the A823 to form the access and required visibility splays. Such a development could significantly alter the existing approach to the village. Some screen planting has been proposed on the indicative proposals but it would be likely to take some time for any screening to grow adequately given the topography and would be unlikely to be effective given the sloping topography of the site.

There are a number of trees on the site. Some of these will likely be removed to form the access to the site. This will have a significant impact on this approach to Rumbling Bridge. Policy NE2B of the Local Development Plan requires a tree survey to be submitted with applications where there are trees on a site. This is required to be able to inform and understand the rationale for the siting of the proposed access and plot positions. No tree survey has been submitted. The proposal is therefore contrary to Policy NE2B, Forestry, Woodland and Trees. The site is currently relatively unkempt and is likely to be of value to biodiversity. Policy NE3 requires protection of wildlife and wildlife systems. Information would be

required with any detailed submission to ensure no protected species are affected by the development. Any proposal should also include provision for wildlife enhancement.

### **Residential Amenity**

The application is in principle and no detail of the individual house designs has been submitted. The proposal shows five properties in large plots. However given the proximity to the A977 there is concern, raised by Environmental Health and in representations, that the site will be subject to road noise that would impact on residential amenity. No Noise Impact Assessment has been submitted and as such the proposal is contrary to Policy EP8, noise.

### **Visual Amenity**

The application is in principle. The principle of residential development of the site is not supported however there would be concern if building on the site were to be more than one storey due to potential visual impact. It is noted that the site is in a very prominent position below the A977 which passes close to the site on an embankment. Development on the site is likely to be clearly visible from the A977. Ridge lines of any two storey properties would be particularly prominent. Whilst this application is in principle I would have concerns that any residential development of the site would have a significant adverse visual impact. This would be contrary to policy PM1A and PM1B which requires development to contribute positively to the quality of the surrounding built and natural environment. In particular Policy PM1B b) states that development should consider and respect site topography and c) requires the design and density to complement its surroundings. From the plot layout proposed I would have concerns that placemaking criteria set out in PM1B would not be met and that residential development as proposed would not respect the site topography or complement its surroundings.

### **Roads and Access**

Access is proposed from the A823 road that serves Rumbling Bridge. The Transport Planner has commented that any new junction should accord with required junction spacing. The application is not supported however if a proposal on this site was approved a condition would be required to ensure that the access complies with the specifications in the National Roads Development Guide.

### **Drainage and Flooding**

There is a site specific requirement set out in the Local Development Plan that a Flood Risk Assessment must be carried out for the site. Having consulted Flooding and Structures it is confirmed that this would not be required in connection with this site. However further details of the drainage arrangements are required and it is noted that the proposed SUDS pond is proposed to be discharged in to an existing small watercourse. At the time of my site visit there was some ponding of water in the south west corner of the site. This is shown as the indicative position for the SUDS pond. An objection has been received expressing concern that the SUDS pond may fill up and flood the public road. I would comment that any drainage

system would have to meet the required specifications and that this would have to be addressed if detailed proposals for the site are put forward.

Scottish Water has commented that there is no public Scottish Water, Waste Water infrastructure in the area. Private treatment will be required.

### **Conservation Considerations**

The site is not within a conservation area. It is not within the vicinity of a listed building. There will not be any impact on built heritage assets.

### **Archaeology**

Perth and Kinross Heritage Trust has been consulted and comment that the proposed development does not raise any significant issues and does not require any archaeological mitigation.

### **Contaminated Land**

A condition was previously requested by Environmental Health with regard to the developer carrying out a contaminated land survey prior to commencement of development. This would be required again should planning permission be granted on the site.

### **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 5 dwelling houses, which would mean that the Affordable Housing Policy would apply.

This application is recommended for refusal. If planning permission was granted a condition would be required to be attached to ensure that any detailed application is in accordance with the developer contributions policy with regard to affordable housing.

#### **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 Fossoway Primary School.

This application is recommended for refusal. If planning permission was granted a condition would be required to be attached to ensure that any detailed application is in accordance with the developer contributions policy with regard to primary education provision.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

#### **Refuse the application**

#### **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy ED1A of the Perth and Kinross Local Development Plan 2014 which identifies the site for employment uses. A residential development on the site would be contrary to this allocation.
- 2 Policy EP8 (noise pollution) of the Perth and Kinross Local Development Plan 2014 seeks to locate noise sensitive uses away from sources of noise generation. A Noise Impact Assessment is required on this site. The proposal is contrary to this policy as no Noise Impact Assessment has been submitted to demonstrate that this is a suitable site for the type of development proposed.
- 3 Policy NE2B, Forestry Woodland and Trees of the Perth and Kinross local Development Plan 2014 requires a tree survey to be submitted where there

are trees on a site. There are trees on the site and no tree survey has been submitted.

- 4 The proposal is contrary to Policy PM1A and PM1Bb) and c) as residential development as proposed on this site would not contribute positively to the quality of the surrounding built and natural environment. In addition the plot layout proposed does not respect the site topography or complement is surroundings.

### **Justification**

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

### **Informatives**

None.

### **Procedural Notes**

Not Applicable.

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

19/00473/1

19/00473/2

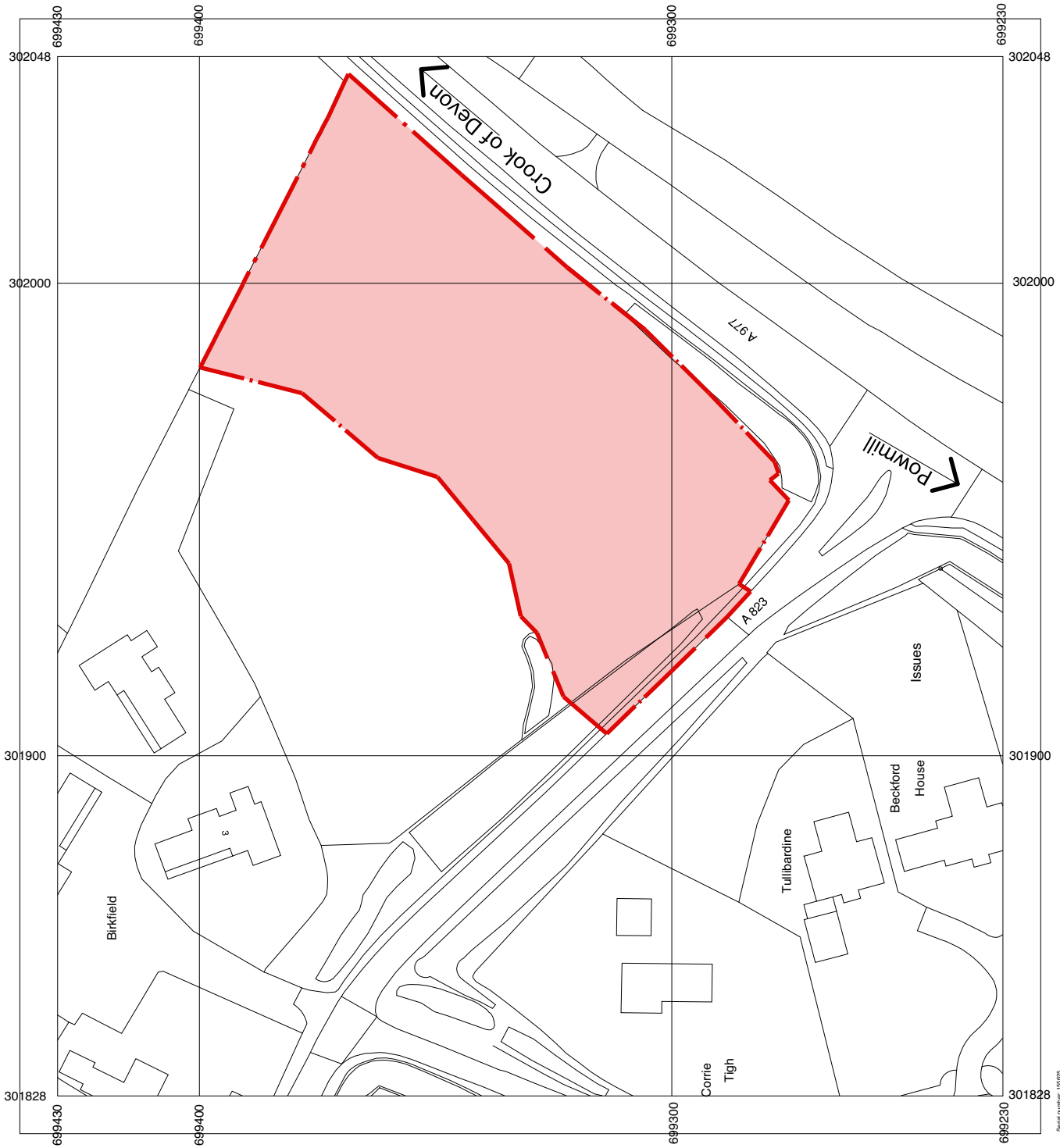
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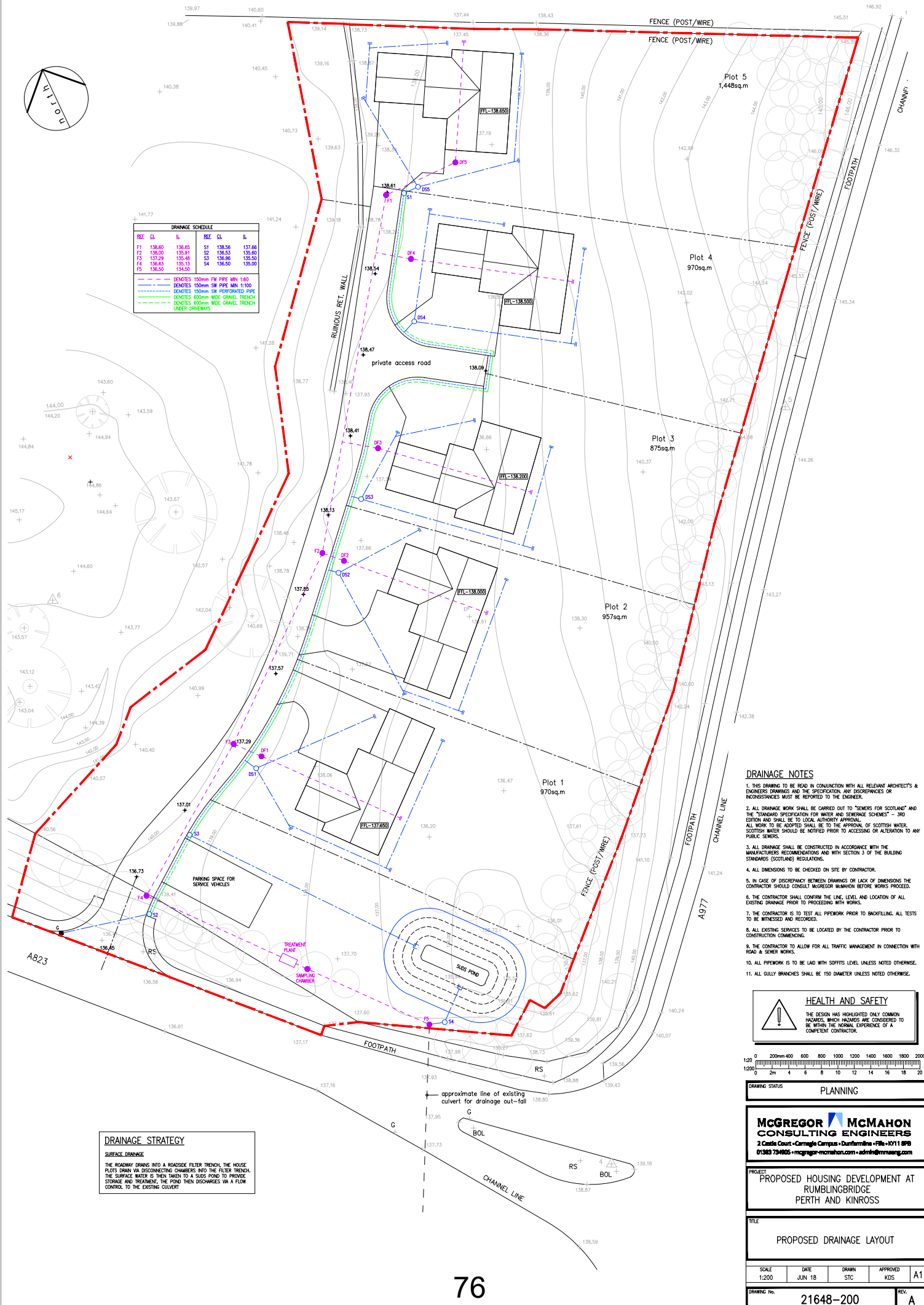
### **Date of Report**

10 June 2019





REV.	DATE	BY	DESCRIPTION	APD.
A	21/03/19	STC	SCALE NOTE REMOVED, RED APPLICATION BOUNDARY LINE ADDED	KDS



**DRAINAGE SCHEDULE**

REV.	CL.	IL.	REV.	CL.	IL.
F1	136.60	136.65	S1	136.56	137.68
F2	136.00	136.91	S2	136.53	136.60
F3	137.29	136.48	S3	136.96	136.50
F4	136.63	136.13	S4	136.50	136.00
F5	136.50	134.60			

--- DENOTES 150mm FW PIPE MIN 1:40  
 --- DENOTES 150mm SW PIPE MIN 1:100  
 --- DENOTES 150mm SW PERFORATED PIPE  
 --- DENOTES 600mm WIDE GRAVEL TRENCH  
 --- DENOTES 600mm WIDE GRAVEL TRENCH UNDER DRAINING

**DRAINAGE NOTES**

1. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS' & ENGINEERS' DRAWINGS AND THE SPECIFICATION. ANY DISCREPANCIES OR INCONSISTENCIES MUST BE REPORTED TO THE ENGINEER.
2. ALL DRAINAGE WORK SHALL BE CARRIED OUT TO "STANDARDS FOR SCOTLAND" AND THE "STANDARD SPECIFICATION FOR WATER AND SEWERAGE SCHEMES" - 3RD EDITION AND SHALL BE TO LOCAL AUTHORITY APPROVAL.
3. ALL DRAINAGE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS AND WITH SECTION 3 OF THE BUILDING STANDARDS (SCOTLAND) REGULATIONS.
4. ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR.
5. IN CASE OF DISCREPANCY BETWEEN DRAWINGS OR LACK OF DIMENSIONS THE CONTRACTOR SHOULD CONSULT MCGREGOR MCMAHON BEFORE WORKS PROCEED.
6. THE CONTRACTOR SHALL CONFIRM THE LINE, LEVEL AND LOCATION OF ALL EXISTING DRAINAGE PRIOR TO PROCEEDING WITH WORKS.
7. THE CONTRACTOR IS TO TEST ALL PIPEWORK PRIOR TO BACKFILLING. ALL TESTS TO BE WITNESSED AND RECORDED.
8. ALL EXISTING SERVICES TO BE LOCATED BY THE CONTRACTOR PRIOR TO CONSTRUCTION COMMENCING.
9. THE CONTRACTOR TO ALLOW FOR ALL TRAFFIC MANAGEMENT IN CONNECTION WITH ROAD & SEWER WORKS.
10. ALL PIPEWORK IS TO BE Laid WITH SLOPES LEVEL UNLESS NOTED OTHERWISE.
11. ALL GULLY BRANCHES SHALL BE 150 DIAMETER UNLESS NOTED OTHERWISE.

**HEALTH AND SAFETY**

THE DESIGN HAS HIGHLIGHTED ONLY COMMON HAZARDS, WHICH HAZARDS ARE CONSIDERED TO BE WITHIN THE NORMAL EXPERIENCE OF A COMPETENT CONTRACTOR.



**DRAINAGE STRATEGY**

**SURFACE DRAINAGE**

THE ROADWAY DRAINS INTO A ROADSIDE FILTER TRENCH. THE HOUSE PLOTS DRAIN VIA DISCONNECTING CHAMBERS INTO THE FILTER TRENCH. THE SURFACE WATER IS THEN TAKEN TO A SUS POND TO PROVIDE STORAGE AND TREATMENT. THE POND THEN DISCHARGES VIA A FLOW CONTROL TO THE EXISTING CULVERT.

DRAWING STATUS: **PLANNING**

**MCGREGOR MCMAHON**  
CONSULTING ENGINEERS  
2 Castle Court • Carnegie Campus • Dumfries • G11 1BP  
01383 734005 • mcgregor-mcmahon.com • admin@mcmahon.com

PROJECT: **PROPOSED HOUSING DEVELOPMENT AT RUMBLINGBRIDGE PERTH AND KINROSS**

TITLE: **PROPOSED DRAINAGE LAYOUT**

SCALE: 1:200	DATE: JUN 18	DRAWN: STC	APPROVED: KDS	A1
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DRAWING No. **21648-200**

REV. **A**





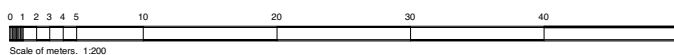
Revisions.  
A March 2019  
North point orientation altered to suit OS Data



2 Montague Mews, Leet Haugh  
Coldstream, TD12 4FE  
Tel: 01890 883622

Project  
Proposed House Plots,  
Rumblingbridge,  
  
**SITE LAYOUT.**

Drawn By ED	Date Feb'18	Scale 1:200	Drawing No. 1614: C.01A
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**TCP/11/16(615) – 19/00473/IPL – Residential development (in principle), land 110 metres south east of Birkfield Park, Rumbling Bridge**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	19/00473/IPL	<b>Comments provided by</b>	Robert Wills
<b>Service/Section</b>	Strategy & Policy Development Plans	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 110 Metres South East Of 3 Birkfield Park Rumbling Bridge		
<b>Comments on the proposal</b>	<p>The proposal is for five houses on a site identified for employment use in the Adopted Perth and Kinross Local Development Plan 2014 (the Adopted Plan) and the Proposed Perth and Kinross Local Development Plan 2017 (the Proposed Plan). Previously this site was granted approval for 5 holiday chalets and a nursery (08/01412/REM). A proposal for 13 holiday chalets in this location was refused in 2007 and again at appeal (06/02120/FUL). Concerns raised in the rejected proposal included waste water treatment, landscape and access.</p> <p><b>Employment Allocation</b> The site is currently allocated in both the Adopted Plan and the Proposed Plan for employment use (E24). The site provides an opportunity for employment use as shown in the previously approved planning permission. Policy ED1 of the Adopted Plan and Policy 7A of the Proposed Plan both require that areas identified for business use should be retained. This aspect of the Policy 7 has not been challenged in the consultation of the Proposed Plan and therefore is not subject to examination and will be retained in the Plan when it is adopted. By proposing residential use in an employment allocation the proposal is contrary to both the adopted and Proposed Plans.</p> <p>The Proposed Plan was subject to extensive public consultation in 2017 and 2018 and is the settled view of the Council. This would have been the appropriate time to raise an objection to the allocation, however no objection was raised to the principle of this land being allocated for employment use. There would need to be a material consideration significant enough to outweigh this departure from either Plan.</p> <p><b>Housing Opportunities and Need</b> The settlement boundary in both the Adopted Plan and Proposed Local Development Plan has been drawn to provide opportunities for residential development through infill sites. During preparation of the Proposed Plan an assessment of housing land requirements was carried out and allocations identified to meet (and exceed) that need in the Kinross-shire area. The settlement boundary has not received any significant challenge in the consultation on the Proposed Plan and there is adequate infill opportunity within the settlement boundary. There is no identified need for additional housing in Rumbling Bridge or the wider area to justify removing an employment site.</p> <p><b>Landscape</b> The site is adjacent to the A977 and would essentially form the entrance to the village. There are few trees currently on the roadside here, with the potential for the houses proposed to significantly alter the existing approach</p>		

	<p>to the village. It should be noted that the previously approved nursery and chalets were single storey dwellings within the valley of the site, while the larger holiday chalet proposal spread across the topography was rejected largely because of the visual impact of roof lines of the chalets on motorists on the A977. The proposed site plan does not indicate whether these are one or two storey dwellings but they are likely to have a significant impact. While it is appreciated that significant screening planting has been proposed, as highlighted in the Reporter's decision on the chalet development it is likely to take some time for any screening to grow adequately given the topography.</p> <p><b>Additional Concerns</b></p> <p>It is recommended that the opinion of the appropriate departments is obtained to assess the impact of the proposal with regards to:</p> <ul style="list-style-type: none"> <li>- noise from the A977 on the residential amenity of the proposed dwellings</li> <li>- the need for a contaminated land assessment</li> <li>- the safety of the proposed access</li> <li>- the impact of the loss of trees and biodiversity resource and opportunities for mitigation and enhancement.</li> </ul>
<b>Recommended planning condition(s)</b>	
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	17 April 2019

17<sup>th</sup> April 2019

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



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

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

Dear Local Planner

**KY13 Rumbling Bridge 3 Birkfield Park South East**  
**PLANNING APPLICATION NUMBER: 19/00473/IPL**  
**OUR REFERENCE: 775877**  
**PROPOSAL: Residential development (in principle)**

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

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

**Water**

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

**Foul**

- 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.

**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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

#### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](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 or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](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 using the following link <https://www.scottishwater.co.uk/business/our->

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

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

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

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

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

Yours sincerely

**Angela Allison**

[Redacted signature]



[REDACTED]

---

**From:** David <[REDACTED]>  
**Sent:** 02 May 2019 11:04  
**To:** Development Management - Generic Email Account  
**Subject:** FW: planning application 19/00473/IPL

ENTERED IN COMPUTER

- 2 MAY 2019

Apologies, I should have added my address to the undernoted  
David Gibb

[REDACTED]

---

**From:** David  
**Sent:** 02 May 2019 11:01  
**To:** [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)  
**Subject:** planning application 19/00473/IPL

Good Morning, further to your notice in respect of the above planning application I am registering my objection on the undernoted points.

1. Access from site leads directly on to an extremely busy junction which in winter months can be difficult for traffic to navigate. Additional volume of traffic will create further difficulties
2. Water pressure in the area is only at best, reasonable and having to serve a further 5 homes will have a detrimental effect.
3. As there is no public sewage system how would the drainage problem be resolved as the land is subject to flooding.
4. Has the decision by The Scottish Minister, which was given a few years ago following a site visit, regarding the use of the land been over ruled.
5. Land to be developed attracts a number of wildlife .





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

<b>Planning Application ref.</b>	19/00473/IPL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning		
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 110 Metres South East Of 3 Birkfield Park, Rumbling Bridge		
<b>Comments on the proposal</b>	<p>The applicant is advised to enter discussions regarding the formation of a new access and required junction spacing to ensure a compliant detailed design</p> <p>Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.</p>		
<b>Recommended planning condition(s)</b>	<p>Prior to the occupation and use of the approved development all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority. Technical Approval will be required for any structures &amp; all walls/embankments that act singly or together to support a carriageway or footpath &amp; retain over 1.5m fill will require Technical Approval.</p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	02 May 2019		





**From:**  
**Sent:**  
**To:**  
**Subject:**

04 May 2019 13:54  
Development Management - Generic Email Account  
FW: Planning Application Reference - 19/00473/IPL

ENTERED IN COMPUTER

- 6 MAY 2019

The comments below are from

Stewart and Annika Roberts

**From:**  
**Sent:** 03 May 2019 17:52  
**To:** [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)  
**Subject:** Planning Application Reference - 19/00473/IPL

Dear Sir/Madam,

Our understanding was that the proposed land would never gain planning permission for housing following a visit to the site by a member of Perth & Kinross Council Planning Department.

With that in mind, however, we would like to make the following objection comments regarding the above planning application:

- The site access is too close to the busy junction with the A977. There is quite often queuing traffic on the A823 waiting to get up to the junction and this would block the proposed site entrance for turning traffic. That leads to traffic coming off the busy (60pmh limit) A977 being faced with stationary traffic on the northbound A823 very suddenly which would be hazardous;
- The above problems would be exacerbated in snow and icy conditions when there are already historically incidents every year at that junction;
- The water pressure in our area has previously been reported as low and the addition of five properties would, we feel, have a further adverse effect on the pressure available;
- We have concerns over drainage at the site as the area is very boggy. With no public sewage in the area the need for septic tank soakaway areas for five additional properties will negatively impact on surrounding land;
- The proposed plan destroys several large, mature trees together with the destruction of the natural wildlife habitat in this boggy area. We have concerns over how the access road would get through what is currently rockface.

Yours faithfully  
Stewart and Annika Roberts







Fossoway and District Community Council

4 May2019

**19/00473/IPL | Residential development (in principle) | Land 110 Metres South East Of 3  
Birkfield Park Rumbling Bridge**

Dear Sir/Madam

Fossoway and District Community Council would like to object to the above application on the following grounds.

- 1) We believe this development to be contrary to the local plan.
- 2) We are concerned it will add to the traffic issues being so close to the busy junction of the A823 and A977
- 3) There were errors in the application – for example the name of the applicant was redacted (since corrected) and the list of Neighbours Consulted is not accessible.
- 4) The site appears to be subject to flooding as it is lower than the surrounding land. In view of the fact there is no public sewer we are concerned about the drainage and associated issues.
- 5) Development of the site will lead to mature trees being felled and it will take time before replacement plantings reach a reasonable size. This will also have an impact on the wildlife that currently frequents the site.





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

<b>Planning Application ref.</b>	19/00473/IPL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Land 110 Metres South East Of 3 Birkfield Park, Rumbling Bridge		
<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 5 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 Fossoway Primary School.</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 2016 in line with Policy RD4: Affordable Housing of the Perth &amp; Kinross Local Development Plan 2014 or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards provision of affordable housing, in accordance with Development Plan Policy and Supplementary Guidance.</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 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p><b>RCO00</b> Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	06 May 2019

>> -----Original Message-----

>> From: Harris [REDACTED]

>> Sent: 07 May 2019 15:15

>> To: Development Management - Generic Email Account

>> Subject: Planning app 19/00473/IPL

>>

>> We would like to note our objection to planning application 19/00473/IPL.

>> The application states it intends to connect into the "public drainage network". There is no public drainage system in the village, we are all on private septic tanks. I can't see how this will work on the site with soakaways etc., as it's in a dip.

>> Also, as residents in the village, not far from the site, we feel the entrance/access is too close to the junction of the A823/A977 which can be a fast and busy junction - once exiting the A977 the last thing you need are vehicles waiting to turn right to cross into the site.

>>

>> Mr and Mrs J Harris

>>

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>> General enquiries to Perth & Kinross Council should be made to [enquiries@pkc.gov.uk](mailto:enquiries@pkc.gov.uk) or 01738 475000.

>>

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>

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

>





7<sup>th</sup> May 2019

Planning and Development,  
Pullar House,  
Kinnoull Street,  
Perth  
PH1 5GD

For the attention of the Planning Officer

Dear Sirs

**Ref: 19/00473/IPL**  
**Residential development (in principle)**  
**Land 110 Metres South East Of 3 Birkfield Park Rumbling Bridge**

We refer to the above planning application (to which we were a notified neighbour within the process) and we wish to **object** to the application on the following grounds.

This is an application in principle, as such I do not feel that there is sufficient detail contained within the application to enable me (or the planning committee) to make a calculated judgement of the true impact of the development and as such I have no option but to object.

In principle I fully support the development of the village however it needs to be in keeping with the surroundings of the village and needs to be carefully considered how such developments would impact the village and those that live within it and those that visit it.

The main reason for my objection is due to the lack of detail supplied, in particular, but not limited to, the following areas:

- What size are the houses proposed to be? How tall are they? Will they impact the enjoyment of my house and garden?
- Lack of detail as to how the SUDS / drainage / sewage will be dealt with – at present the area proposed to form the SUDS pond is currently underwater (even after such a dry start to the year), is this area really suitable for a SUDS pond?
- What condition is the culvert in to which the developer is proposing to discharge all of the surface water and effluent from the development? Where does this culvert run? Does it ultimately flow through peoples gardens?

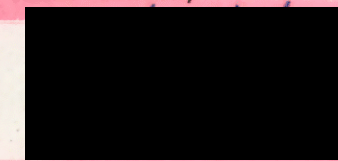


- The proposed SUDS pond is at almost the same level as the proposed site entrance – in the event that the culvert cannot deal with the extent of the discharge is there a chance that this will overflow onto the main road?
- I note that the drawings do not detail the overhead power lines that run over the site, what is the proposal from Scottish Power as this existing power line will need to be moved, would this lead to a relocation of the pole on our side of the road to a neighbouring properties garden?
- How will the safe access and egress to the main road be dealt with? As you are aware we have many issues with speeding vehicles through the village and only recently a VAS sign was installed, as it was finally acknowledged by the council that there is an issue with speeding on the A823.

For clarity I have attached a few photos of the site to this letter that were taken last week to provide some clarity to some of the points that I have raised.

Once again I wish to clarify that at present I am objecting the application ref 19/00473/PL on the basis that this is an Application In Principle and as such only a skeleton of information has been provided and I believe that without the full detailed substantiation of the development that I am not in a position to make a clear calculated judgement.

Yours faithfully

A black rectangular redaction box covers the signature of Alistair Houston. The box is surrounded by a thick red hand-drawn border.

Alistair Houston

Enclosed:

Appendix A – Photos of the site



**Appendix A – Photos of the site:**



Proposed SUDS Location – Currently Flooded



Overhead Power Line Crossing the Site





Proposed Site entrance (approximately located at road sign)



Proximity of Proposed entrance to main road (A823 / A977)



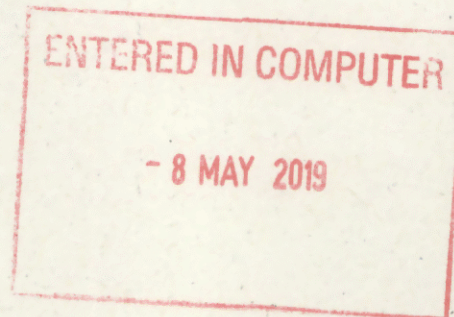
**Tracy McManamon**

---

**From:** J LATROBE [REDACTED]  
**Sent:** 07 May 2019 21:05  
**To:** Development Management - Generic Email Account  
**Subject:** Fw: Planning Application 19/00473/IPL

Please note that our full postal address is:

John and Jennifer La Trobe  
[REDACTED]



----- Forwarded message -----

**From:** "J LATROBE" [REDACTED]  
**To:** "[developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)" <[developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)>  
**Sent:** Tue, 7 May 2019 at 20:59  
**Subject:** Planning Application 19/00473/IPL  
Dear Sir/Madam

We are registering our objection to the above planning application for the reasons noted below:

Access to/from the site is very close to a busy junction (A823 & A977) which greatly increases the risk of accidents.

There is no public sewage system therefore we are concerned about drainage proposals. The area is already flooded.

Yours faithfully,

John and Jen La Trobe







To:	Persephone Beer, Planning Officer
From:	Clare Henderson, Development Management Archaeologist
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	7 <sup>th</sup> May 2019

**19/00473/IPL | Residential development (in principle) | Land 110 Metres South  
East Of 3 Birkfield Park Rumbling Bridge**

Thank you for consulting PKHT on the above application.

In respect of archaeology and the planning process, as outlined by Scottish Planning Policy, the proposed development does not raise any significant issues. No archaeological mitigation is required in this instance.



# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 19/00473/IPL

Our ref LRE

Date 8 May 2019

Tel No

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**PK19/00473/FLL RE: Residential development (in principle) land 110 metre South East of 3 Birkfield Park Rumbling Bridge for Alduis Ltd**

I refer to your letter dated 17 April 2019 in connection with the above application and have the following comments to make.

**Environmental Health** (assessment date –08/05/19)

### **Recommendation**

**I do not believe that sufficient information has been provided to demonstrate that this is a suitable location for the proposed development. I am currently unable to complete my appraisal of this application, and request that the application be deferred until a noise impact assessment has been submitted to, and evaluated by, this Service.**

### **Comments**

The applicant proposes to erect 5 detached dwelling houses on land adjacent to the A977.

This Service has limited powers to deal with road traffic noise and therefore I cannot complete my appraisal of this application until a noise impact assessment has been carried out by a suitably qualified consultant and should include details of any proposed mitigation.





# KINROSS-SHIRE CIVIC TRUST

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

Chairman: Alistair Smith, Ashtrees, Wester Balgedie, Kinross, KY13 9HE

Secretary: Eileen Thomas, 50 Muirs, Kinross, KY13 8AU

Email: KinrossshireCivicTrustSecy@gmail.com

Development Management  
Perth and Kinross Council  
Pullar House, Perth

By email as an attachment to:  
developmentmanagement@pkc.gov.uk

8 May 2019

Dear Sir/Madam

**19/00473/IPL Residential development (in principle), land 110m SE of 3 Birkfield Park,  
Rumbling Bridge**

Kinross-shire Civic Trust wishes to object to the above planning application.

The application site appears to be zoned as employment land (ref E24) in the Local Development Plan (adopted 2014). An application for housing is therefore contrary to the Local Development Plan.

Yours faithfully

Eileen Thomas  
Secretary, Kinross-shire Civic Trust

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



