

Issue 26d	Perth Area (out with Core) West Settlements	
Development plan reference:	H19 – Clathymore, page 101 Dunning, page 108-109 H20 - Auchterarder Road, Dunning, page 108 Op23 - Station Road, Dunning, page 109 Tibbermore, page 148	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Colin Young (00337) David Prentice (00462) Susette Walker (00688) Mr & Mrs A Garry (00882) A &J Stephen (Builders) Ltd (03068) Scottish Environment Protection Agency (03194) Scottish Natural Heritage (05211) Dunning Community Council (07079)	S Howie (07693) The Rennie Family Trust (09052) DMH Baird Lumsden (09142) Methven & District Community Council (09221) I Kirkland (09744) Dupplin Estate (10231) Mr Mark McKinney (10294)	
Provision of the development plan to which the issue relates:	Landward settlements in the west of Perth Housing Market Area with development proposals.	
Planning authority's summary of the representation(s):		
<p><u>Clathymore H19</u> Scottish Environment Protection Agency (03194/34/001): Drainage at the existing Clathymore development site was designed to have no overflow of effluent with all sewage effluent to be evapotranspirated as conventional solutions were not appropriate. However effluent is currently overflowing into the adjacent field presumably as the existing system is undersized. Additional development would have to have a similar form of drainage. However SEPA policy has changed and now closed systems which do not have an overflow are not licensed for year round activities due to limitations of evapotranspiration in the winter. Unlikely that treated effluent could achieve the very tight standards to allow discharge into the adjacent small watercourse. To minimise use of a defined overflow and the environmental impact of the development likely a sizeable sewage treatment area would be needed requiring considerable land take, thus reducing housing numbers possible on the site.</p> <p>Scottish Natural Heritage (05211/25/046): The number of units proposed for the site and the Site Specific Developer Requirements should reflect the outcomes of the Habitats Regulations Appraisal (S4_Doc_149).</p> <p><u>Clathymore H19</u> A & J Stephen (Builders) Ltd (03068/8/001): Support site H19 at Clathymore.</p> <p><u>Dunning settlement</u> Dunning Community Council (07079/1/003): Object to only part of the field that separates Dunning from Newton of Pitcairns being identified as open space.</p>		

Dunning H20

Mr & Mrs Kirkland (09744/1/001): Do not support site H20. Transport links are inadequate and create a safety issue.

Dunning Community Council (07079/1/001): Development of H20 should not go ahead due to poor access visibility, lack of connection to Latch Burn Wynd, loss of agricultural land, adverse effect on drainage system, contrary to Policy PM1B (S4_Doc_396), it is not compatible with the amenity and environment of the village and potential impact on European Protected Species.

S Howie (07693/5/001): The extension to the west does not involve a rounding of the settlement and there are other sites which are free from constraints on the north and east of the village which would be better identified for housing.

Colin Young (00337/1/001): The Plan leaves much undetermined in relation to H20, flooding issues need to be resolved, the access and internal road layout need to be designed, the mature trees on the Auchterarder Road may be approaching the end of their safe lives and a planting and landscaping scheme is required. The off road path to the village centre needs to be explained and contributions need to be made to the core paths network, the development of the site will not enhance biodiversity. The development of the site does not meet the policies set out in the Plan: PM1A, PM1B (S4_Doc_396), RD1 (S4_Doc_405), TA1B (S4_Doc_387), NE1D (S4_Doc_389), NE3 (S4_Doc_406).

The Rennie Family Trust (09052/3/001): The access into the site is not safe due to limited visibility and a considerable bend in the road. The development of the site will remove a piece of agricultural land and detract from an attractive entrance to the village.

Mark McKinney (10294/1/001): The development on the site will lead to more traffic congestion in and around the village. Development should take place on the north side of the village to minimise congestion and on smaller sites. There is insufficient capacity in the sewerage system. There is no available land to expand the primary school.

Susette Walker (00688/1/001): The development on the site will lead to more traffic congestion in and around the village. The access into the site is not safe due to limited visibility and a considerable bend in the road.

Mr & Mrs A Garry (00882/1/001): The proposal is for a large development in a small village which would be out of keeping with its conservation area status, the public sewer is at capacity, further development in Dunning should be limited to infill, no demand for 50 houses, the proposal is high quality agricultural land. There are a number of gap sites which should be developed in advance of H20.

A & J Stephen (Builders) Ltd (03068/11/001): The requirement for a link to village centre is not reasonable and fails the test set out under Circular 1/2010 (Core_Doc_097). The Council cannot require connections outwith the control of the landowner.

A & J Stephen (Builders) Ltd (03068/12/001): The western somewhat artificial boundary of the site would be improved by extending it westwards to an area of existing tree planting (S4_Doc_020).

Dunning Op23

Dunning Community Council (07079/1/002): There are major issues with biodiversity and

development will remove highly productive agricultural land.

Colin Young (00337/1/002): There are major issues with biodiversity and development will remove highly productive agricultural land.

Dunning new sites

Colin Young (00337/1/003 & 00337/1/004): There is an area of unproductive land to the east of Dunning (S4_Doc_020) on the south of the Bridge of Earn road. The area currently lies within the 30 MPH limit and the village boundary could be extended to include it. It could accommodate 50 houses and provide an alternative location for H20.

S Howie (07693/5/003): The identification of the site to the north would allow the potential expansion of the primary school. The site to the east on Bridge of Earn road could accommodate further affordable housing to reflect the scale and design of that already constructed. The boundary could also be adjusted to the south to allow an expansion of Dunning Park the existing yard could be redeveloped which would improve the appearance of this sensitive location. (S4_Doc_020). HGV movements would also be reduced. The area at Muckhart Road should not be identified as open space (Village plan supplied).

DMH Baird Lumsden (09142/6/001): The site identified in Dunning (H20) does not have the capacity to deliver the required 50 housing units during the life of the Plan and additional land must be allocated. An adjoining area to the south of Latch Burn Wynd (S4_Doc_020) should be identified which would have sufficient relationship to develop a cohesive approach to the development of both sites. The site would have minimal visual impact and is a natural extension to the village envelope. A robust village boundary could be created with additional planting.

Tibbermore settlement

Dave Prentice (00462/1/001): Settlement boundary at Tibbermore has been extended south of the Huntingtower - Gloagburn road to allow for housing. This area floods and the ground is often waterlogged. It is therefore unsuitable.

Methven & District Community Council (09221/1/028): Proposed development site south of the Madderty road, Tibbermore should be deleted because there is sufficient expansion land to the north.

Tibbermore new sites

Dupplin Estate (10231/1/002): Support principle of extended settlement boundary at Tibbermore but it should be extended further southwards (S4_Doc_360). Allocation of this larger site would allow provision of a residential development within a high quality landscaped area in accordance with Policy PM1 (S4_Doc_396), and for provision of local amenities such as a play park and paths. Affordable housing could be provided. Site area reflects and complements scale of existing housing on the opposite side of the road.

The site meets the effectiveness criteria in PAN 2/2010 (Core_Doc_019), is considered marketable and would help meet the housing land requirement. It is agricultural land but not prime. It forms a natural extension to Tibbermore, is deliverable in the Plan period, can be accessed by public transport, and the archaeological point of interest identified previously has been investigated and would not prevent development.

Modifications sought by those submitting representations:Clathymore H19

Scottish Environment Protection Agency (03194/34/001): Expansion of site specific developer requirements for Site H19 in Clathymore to make it explicit that resolution of drainage is likely to result in a considerable land take to treat sewage and therefore a reduction in the number of units that could be developed on the site.

Scottish Natural Heritage (05211/25/046): Update the number of units proposed at the site on page 101 of the Plan from '16' to state: '*Number of units to be determined following the resolution of drainage issues*', in line with SEPA's advice on land take required to resolve current drainage issues.

Amend the first developer requirement for the site on page 101 to read:

⇒ '*Resolution of drainage issues may limit the developable area of the site.*

And add:

⇒ '*Mitigation measures should be supplied to ensure no increase in nutrient loading and no adverse effects on Methven Moss SAC*'

Dunning settlement

Dunning Community Council (07079/1/003): All the fields that separates Dunning from Newton of Pitcairns should be identified as open space.

Dunning H20

Mr & Mrs Kirkland (09744/1/001); Dunning Community Council (07079/1/001); S Howie (07693/5/001); Colin Young (00337/1/001); The Rennie Family Trust (09052/3/001); Mark McKinney (10294/1/001); Susette Walker (00688/1/001); Mr & Mrs A Garry (00882/1/001): Delete site H20 from Plan

A & J Stephen (Builders) Ltd (03068/11/001): Delete developer requirement 4 '*off-road path to village centre through Rollo Park*'.

A & J Stephen (Builders) Ltd (03068/12/001): Extend west boundary to reflect natural boundaries (S4_Doc_020).

Dunning Op23

Dunning Community Council (07079/1/002); Colin Young (00337/1/002): Delete site Op23 from Plan.

Dunning new sites

Colin Young (00337/1/003 & 00337/1/004): The village boundary should be extended to include an area on the south side of the Bridge of Earn road (S4_Doc_020). The area should be identified as a housing site.

S Howie (07693/5/003): Revised settlement boundary to incorporate three development sites and the removal of area of green space adjacent to Muckhart Road (S4_Doc_020).

DMH Baird Lumsden (09142/6/001): A housing site should be identified to the south of Latch Burn Wynd for 20-25 units (S4_Doc_020).

Tibbermore settlement

Dave Prentice (00462/1/001): The settlement boundary at Tibbermore should not extend south of the Huntingtower - Gloagburn road.

Methven & District Community Council (09221/1/028): Proposed development site south of the Madderty road, Tibbermore should be deleted. Assumed therefore that the settlement boundary should be amended to exclude this area.

Tibbermore new sites

Dupplin Estate (10231/1/002): Settlement boundary at Tibbermore should be extended to the south to include site shown on submitted plan (S4_Doc_360).

Summary of responses (including reasons) by planning authority:

The following responses are supported by the Council's Delivering Infrastructure Background Paper (S4_Doc_440) which outlines the key infrastructure requirements and proposed timescales to deliver the strategic development areas.

Clathymore H19

Scottish Environment Protection Agency (03194/34/001): As with all development sites a technical solution to the drainage is necessary and this will require more detailed examination at the planning application stage. The land take for the drainage solution could be outwith the site, the amount of land needed has not been identified nor the required infrastructure.

The Council do not feel it is essential to add to the Site Specific Developer Requirements but if the Reporter is so minded the Council would have no objection to this being inserted.

Scottish Natural Heritage (05211/25/046): It is considered that by amending site H19 to incorporate the mitigation measures as set out in the HRA (including Appropriate Assessment) (S4_Doc_149) of the Proposed Plan, and detailed in the previous section would provide greater clarity and transparency for applicants as to what will be expected of them in making their planning application.

If the Reporter is so minded the respondents suggested text should be added to the Plan as detailed in the previous section.

Dunning settlement

Dunning Community Council (07079/1/003): The plan identifies the important areas of open space which are to be retained throughout the life of the Plan. These areas are important to the character of the settlement and emphasise the physical separation between Dunning and Newton of Pitcairns. The green area identified is considered to be the main area which is critical to ensuring Newton of Pitcairns is perceived as a separate settlement. Whilst the area in white related to the representation is acknowledged to contribute to the separation there is development along road to the west so its is not as critical. Policy RD1 (S4_Doc_405) is designed to protect the residential amenity of other areas within the settlement but allow more flexibility in proposed use; *'small areas of private and public open space will be retained where they are of recreational or amenity values'*.

No modification is proposed to the Plan.

Dunning H20

Mr & Mrs Kirkland (09744/1/001); Dunning Community Council (07079/1/001); S Howie (07693/5/001); Colin Young (00337/1/001); The Rennie Family Trust (09052/3/001); Mark McKinney (10294/1/001); Susette Walker (00688/1/001); Mr & Mrs A Garry

(00882/1/001): Transport Planning have been involved with the assessment of sites and are satisfied there is potential to create access onto the Auchterarder Road within 30 mph speed limit. The development of 50 houses during the life of the Plan will not lead to traffic congestion but will help maintain the vitality and services associated with the village. OP23 has been identified for a primary school. The purpose of the trees is to screen the development and detailed design to minimise the impact on the trees and mitigate as appropriate will have to take account of the requirement to protect the trees.

There are not considered to be drainage issues with the sloping topography of the site and it is not on a flood plain; the loss of agricultural land is not an issue as it is not prime agricultural land; the site is not contrary to Policy PM1B (S4_Doc_396) as described but this is considered a matter for the planning application and is not felt critical to the success of the development site. HRA (Core_Doc_096) does not identify any issues with European Protected Species; the Site Specific Developer Requirements do require an enhancement of biodiversity at the site. As noted in the Dunning New Sites responses the Council recognise there are not new suitable sites in Dunning to replace this site.

No modification is proposed to the Plan.

A & J Stephen (Builders) Ltd (03068/11/001): A path link from the site to the village centre through Rollo Park would enhance the connectivity of the development to the school and the village centre and therefore it is felt reference to this requirement should remain.

No modification is proposed to the Plan. However, should the Reporter be so minded as to amend the wording to investigate the opportunities for the path then the Council would have no objection.

A & J Stephen (Builders) Ltd (03068/12/001): The proposal to double the size of the site is not considered acceptable; the capacity of the site is for 50 units and for a small settlement with a population of circa 900 this is a significant level of development during the life of the Plan. The potential for further development will be for a future LDP to consider.

No modification is proposed to the Plan.

Dunning Op23

Dunning Community Council (07079/1/002); Colin Young (00337/1/002): HRA (Core_Doc_096) does not identify any issues with European Protected Species.

No modification is proposed to the Plan.

Dunning new sites

Colin Young (00337/1/003 & 00337/1/004): Regarding the proposal at Bridge of Earn Road the site is prominent rising ground sandwiched between two scheduled monuments and is not considered appropriate for housing. The areas of architectural interest are relatively wide and the site would affect these (S4_Doc_455).

No modification is proposed to the Plan.

S Howie (07693/5/003): The representation proposes a package of three sites, one to the east of Dunning (as referred to in the above response), a site to the north of Dunning and a site to the south (S4_Doc_020). These three sites propose an additional 300+

housing units between them. The site to the east has been dealt with in the Council's response above and is not repeated here.

The large expansion north and south of Dunning is considered to be too large in scale and is not appropriate for this village outside the core. The north site measures approximately 6.5ha and the south site measures 3.5ha giving a total of 10ha which at average densities could accommodate 250 houses during the life of the Plan. The development of the northern site would detract from Dunning's historic form and would mean that any development would detract from the amenity of the settlement. The northern site is identified on SEPA's flood risk maps (Dunning Burn) (S4_Doc_350) and it is also shown as prime agricultural land (3.1). Part of the southern site is within the settlement boundary and therefore Policy RD1 (S4_Doc_405) will apply to this area however the topography of the site with its steep slopes down to the burn (including area outside the boundary) present issues which indicate it is not suitable and would detract from the amenity of the settlement.

The site to the east as referred to by the representee is dealt with in the response above to Colin Young (00337/1/003, 00337/1/004).

No modification is proposed to the Plan.

DMH Baird Lumsden (09142/6/001): The site proposed south of Latch Burn Wynd is on rising ground and will therefore have an impact on the character of the settlement. The elevation and visual impact of this site will be far greater on the wider landscape than H20 as it is more exposed. Planning applications (reference 07/01040/FUL (S4_Doc_456) and 09/01330/FLM (S4_Doc_457)) have previously been refused due to the detrimental impact on the character of the settlement.

It is acknowledged that at 1.9ha 50 units for H20 is at the higher end of the medium density range but given the relatively compact nature and higher densities evident in Dunning it is not considered unreasonable.

No modification is proposed to the Plan.

Tibbermore settlement

Dave Prentice (00462/1/001): The site is not shown on the SEPA flood risk maps and SEPA has not raised any issues with the area; any development will be required to meet the terms of the flood Policy EP2 (S4_Doc_407) contained in the Plan. The policy gives the flexibility to request a Flood Risk Assessment at the planning application stage. The site is not therefore considered unsuitable for limited roadside development as proposed.

No modification is proposed to the Plan.

Methven & District Community Council (09221/1/028): The support for the land identified on the north side of Tibbermore is recognised, to clarify it is partly an unimplemented planning permission. No numbers are allocated and the form represents the extent of the settlement during the life of the Plan. The area to the south of the Madderty Road is to allow a ribbon of development to replicate the urban form found on the north side of the settlement and the Council consider the settlement boundary should remain as proposed.

No modification is proposed to the Plan.

Tibbermore new sites

Dupplin Estate (10231/1/002): The area to the south of the Madderty Road within the settlement boundary is to allow limited development commensurate to the scale of the settlement and to replicate the urban form of the original village around the crossroads. Extending the land as shown in the representation will not produce this effect and it would extend the settlement boundary out of its current form and onto the other side of the road.

No modification is proposed to the Plan.

Reporter's conclusions:Clathymore H19

1. There is significant concern over sewage effluent overflow from the existing development. There is also no clarity as to how this might be addressed in any expansion of this housing group and what implications there might be for Site H19's developable area. It is not acceptable simply to assume that any sewage treatment area, which the Scottish Environmental Protection Agency (SEPA) indicates would require considerable land take, could be accommodated outwith the site, as this would further enlarge the scale and impact of the development with, as yet, unassessed consequences. Clathymore, which occupies a relatively isolated location in the countryside, is not a principal settlement, to which TAYplan requires the majority of development to be directed. Indeed it has no services, employment opportunities or other characteristics that would characterise it as a settlement at all. There would be no public benefit or consistency with the expectations of TAYplan, in extending the housing group onto the adjacent farm land, and no reason therefore to commit to the development of this land despite the concerns raised by SEPA.

2. Taking all matters into account, it is recommended that site H19 is deleted and that the settlement boundary for Clathymore is modified to exclude the site.

Dunning settlement

3. The need to retain separation between Dunning and Newton of Pitcairns, and thereby protect the individual character of each, is acknowledged. Of primary importance to this are the fields to the east and west of the road. In the Proposed Plan not all of the field to the west of the road is proposed to be designated as Open Space and thereby protected under Policy CF1A. Although the area of land that is not proposed for designation, which lies to the south of the area that is proposed to be designated, is less prominent, it has undoubted value in amenity terms, which (in the modified form that is recommended under Issue 11) is a characteristic that is protected by Policy CF1A. The Plan should therefore be modified to include all of this field within the open space designation.

Dunning H20

4. Dunning is not identified as a principal settlement in TAYplan, which are the settlements where the majority of development will be focussed. Policy 1 of TAYplan requires the Proposed Plan to prioritise land release using a sequential approach which only permits the expansion of non principal settlements where there is insufficient land or where the nature or scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements and where, in accordance other provisions of TAYplan, the expansion of other settlements should be considered.

5. When considered in these terms, many non principal settlements must be regarded as unsuitable for development, as they lack the services, employment opportunities and public transport connections which characterise the principal settlements and which are important if development is to comply with TAYplan's and the Proposed Plan's settlement strategies. On occasion however, non principal settlements may be locations to which relatively modest levels of development should be directed. In accordance with Scottish Planning Policy (SPP), TAYplan recognises that allowing some development in non principal settlements may balance the importance of sustaining rural economies with the need to protect the countryside. Dunning has a wider range of services than many settlements, including a school and a reasonable bus service. In principle therefore, despite the conclusion that has been reached elsewhere in this examination, that the Proposed Plan identifies a generous supply of housing land, this is not a location that should be considered unsuitable for limited housing development.

6. There is no evidence to substantiate representors' fears that the site will cause traffic safety, habitat loss or other problems. In the absence of any objections from the agencies which have responsibility for such matters, it would not be reasonable to reject the proposed allocation on those grounds.

7. The proposed expansion of the village would detract to some extent from its landscape setting. As the prospective developer acknowledges, the proposed western edge to Site H20 does not follow any obvious landscape feature. It would not be an appropriate solution to enlarge the site to the group of trees to the west however, as this would not significantly strengthen the edge to the site and would incongruously extend the village into the countryside, creating a site that was disproportionately large in relation to the size of the village and its role as a non principal settlement. An appropriate measure to address the issue would be to specify in the Proposed Plan that a generous landscape buffer along the western as well as the northern boundary is provided.

Dunning Op23

8. The potential biodiversity impact of developing this site was considered in the Habitats Regulations Appraisal (HRA) of the Proposed Plan. This did not identify any issue, which would militate against its identification as an opportunity site for school expansion. The fact that the site is prime agricultural land is a material consideration. However, Scottish Planning Policy (SPP) does not entirely rule out the use of such land for development. The area of land in question is, in agricultural terms, relatively small and there is no reason to suspect that its value for such purposes outweighs the benefits to education provision in the village that could be secured by its identification as an opportunity site.

Dunning new sites

9. As set out above, Dunning is not identified as a principal settlement in TAYplan. In accordance with the spatial strategy in TAYplan, this is not therefore a location where significant settlement expansion should be contemplated. Site H20 is considered to represent the absolute maximum level of development that should be permitted here. The large development site, which is proposed to the north of the village, even allowing for an area of school expansion, would represent a disproportionately large expansion of the village, which would be harmful to its character and inconsistent with TAYplan.

10. The proposed expansion of Site H20 to the west would also represent an excessive expansion of the settlement with similar adverse consequences. The fact that the site might not be able to deliver the predicted 50 units is not a reason to expand it, because,

in accordance with TAYplan, Dunning is not a settlement to which significant development should be directed. And, as set out above, there would be no landscape or visual impact benefit in expanding the site so that it met the rather indistinct line of trees to the west.

11. The site that is proposed to the south of Bridge of Earn Road would be more visually intrusive than site H20 due to the rising land and would offer no benefit over developing the site that is identified in the Proposed Plan. For the reasons stated above, it would be inappropriate to allocate this site in addition to Site H20.

12. The proposed extension to the south of the village would result in the loss of an important area of open space on Muckhart Road (B934), which is proposed to be designated Open Space in the Proposed Plan. This would remove an important element of the settlement's distinctive rural character. It would also extend the village into a field that lies above the level of most of the village, which would be prominent when approached from the south. Providing a landscaped buffer area to the southern end of this site would not be a solution to such visual intrusion, as that itself would be inappropriate in the open landscape that is found to the south of the village.

13. Developing the land to the rear of Latch Burn Wynd would have greater landscape impact than site H20 so would not be a logical substitution for that site. And, for the reasons already stated, it would be inappropriate to allocate this site in addition to Site H20.

Tibbermore settlement

14. Tibbermore has none of the facilities that one would expect of a settlement and is simply a small collection of houses in the open countryside. No particular benefit to the Proposed Plan's spatial strategy from its identification as a settlement and the consequent development opportunities this potentially creates, has been identified. Furthermore, no visual or landscape benefits in permitting a ribbon of housing on the southern side of the road have been identified. The expansion of this building group would detract from the character of the surrounding landscape by permitting built development beyond the logical visual edge to the building group, which is the road. The fact that there is already planning permission to develop the land to the north of the road, which would be enclosed by the proposed settlement boundary, is not a reason also to expand the group to the south, because, in accordance with TAYplan Policy 1, there is no particular justification for expanding Tibbermore at all. The southern settlement boundary should be modified so that it runs along the northern side of the road and the green belt boundary should be modified to wash over the road and the land to the south as far as the crossroads.

Tibbermore new sites

15. The proposed further expansion of the building group to the south of the A85 would exacerbate the problems identified above and would be inconsistent with TAYplan, which expects the majority of development to be directed to principal settlements and only permits it to take place elsewhere in certain specified circumstances, which have not been demonstrated. The proposed expansion would not logically round-off the settlement and would appear as a harmful and disproportionately large addition to the existing building group. The provision of affordable housing within any development scheme, which would be a developer requirement of Policy RD4 in any event, would not compensate for such harm, and the fact that the site is considered to be effective is not a

benefit when there is no identified shortfall in effective sites and when the site is unacceptable in principle.

Reporter's recommendations:

Clathymore H19

1. Delete from page 101, paragraph 5.12.2 and the reference to residential site H19 (including the site-specific developer requirements) at the bottom of the page.
2. Modify the inset map for Clathymore to delete site H19 and to redraw the settlement boundary along the north east boundary of the existing building group so as to exclude the land identified as site H19 from the settlement.
3. Make consequential modifications to the table under paragraph 5.5.11.

Dunning settlement

4. Designate as Open Space all of the field to the west of the road between Dunning and Newton of Pitcairns.

Dunning H20

5. Modify the inset map for Dunning on page 109 to show an area of indicative landscaping along the western as well as the northern site boundaries.

Tibbermore settlement

6. Modify the settlement boundary and green belt boundary on the inset map on page 148 to follow the northern edge of the A85, omitting from the settlement any land to the south of that road.