

Issue 28a	Highland Perthshire Area - Aberfeldy	
Development plan reference:	Aberfeldy, page 157-160 E10 - Borlick, Aberfeldy, page 158 H36 - Borlick, Aberfeldy, page 159 H37 - South of Kenmore Road, Aberfeldy, page 159	Reporter: Douglas Hope
Body or person(s) submitting a representation raising the issue (including reference number):		
Hillcrest Housing Association Ltd (00153) McKenzie Strickland Associates (00295) Denise McNiven (00744) A & J Stephen (Builders) Ltd (03068) Scottish Natural Heritage (05211)		Bolfracks Estate (08816) Forestry Commission Scotland (08988) M R Marshall (09163) Reverend Irene Miller (09625) G S Brown Construction Ltd (09817)
Provision of the development plan to which the issue relates:	Development sites in Aberfeldy.	
Planning authority's summary of the representation(s):		
<p><u>E10: Borlick</u> Denise McNiven (00744/1/002): The empty shops and industrial units should be filled first. Another industrial site will not provide enough employment for the amount of families planned (200 houses).</p> <p>Forestry Commission Scotland (08988/1/020): Encourage additional tree planting on the north eastern boundary to strengthen existing woodland. Consideration should be made for advance tree planting on South western edge and within the site.</p> <p>Scottish Natural Heritage (05211/23/003): This site contains an area of woodland in the Ancient Woodland Inventory classified as ancient of semi-natural origin (S4_Doc_639). Need to ensure protection of existing woodland complies with paragraph 146 of SPP (S4_Doc_080) '<i>Ancient and semi-natural woodland is an important and irreplaceable resource which should be protected and enhanced</i>'.</p> <p>M R Marshall (09163/3/002): Support for this site as it provides sufficient land to meet future employment needs, is free from flood risk and environmental designations, and the landowner is agreeable to releasing the land.</p> <p><u>H36: Borlick</u> Denise McNiven (00744/1/001): Object to development of this site on the grounds that it would double the population, there are no employment opportunities, there are already plenty of empty flats, buildings and homes that should be filled first, the site is too far from the community campus and children would have to walk along the main road to reach school. If housing is to serve those employed by the Taymouth development, site H37 should be developed first. If it's for retired people there are enough houses and the demand is not there.</p> <p>Reverend Irene Miller (09625/1/002): Concern with regards to communal space within the development and adequate space between houses. A mix of housing should be provided</p>		

including 2-storey 1-2 person flats. The development should include a shop, perhaps a small hall, covered play area and even a pub rather than a large development.

A & J Stephen (Builders) Ltd (03068/19/001): Support the Plan.

M R Marshall (09163/3/001): Support for this site as it would provide sufficient land to meet future housing needs, is free from flood risk, not covered by any environmental designations and the landowner is agreeable to releasing land.

#### H37: South of Kenmore Road

Hillcrest Housing Association (00153/1/001): Object to this site in relation to access off Duntaylor Avenue and concerns regarding connection into one of two existing hammerheads. The proposed access would result in the existing cul-de-sac becoming a through road as well as significantly increased traffic flow. The proposed access would include compulsory purchase of current garden ground which would be opposed. The road to the north of Duntaylor Avenue would be a more suitable option. Support the requirement for an access from Kenmore Road.

Forestry Commission Scotland (08988/1/021): Reservations regarding this allocation given that the site is split by watercourse which also forms a tree covered habitat network. The only acceptable option could be to allocate only the eastern part of the site for development and to ensure adequate protection measure for the watercourse and associated trees.

Scottish Natural Heritage (05211/23/008): This site contains areas of broadleaf trees/woodland and there is no reference to protection and enhancement in Developer Requirements.

Scottish Natural Heritage (05211/25/030): The Site Specific Developer Requirements should reflect the outcomes of the Habitats Regulations Appraisal (S4\_Doc\_139).

Reverend Irene Miller (09625/1/003): Concern with regards to communal space within the development and adequate space between houses. A mix of housing should be provided including 2-storey 1-2 person flats. The development should include a shop, perhaps a small hall, covered play area and even a pub rather than a large development.

Bolfracks Estate (08816/2/001); G S Brown Construction Ltd (09817/7/001): Support the Plan.

#### New Site

McKenzie Strickland Associates (00295/1/001): Change the proposed open space land use at land to the south of Moness Avenue. Planning permission for staff accommodation has been approved in application 09/01474/FLL (S4\_Doc\_640). The removal of the open space designation represents opportunity to provide affordable housing adjacent to existing housing estate.

#### **Modifications sought by those submitting representations:**

##### E10: Borlick

Denise McNiven (00744/1/002): Remove site from the Plan.

Forestry Commission Scotland (08988/1/020): Modify the Site Specific Developer Requirements to include: *'Tree planting should be considered in advance of construction*

*and should seek to maximise the green and access networks of the area’.*

*‘Tree species should be a mixture of traditional varieties used in the area.’*

Scottish Natural Heritage (05211/23/003): Modify the Site Specific Developer Requirements to include: *‘protect and enhance existing woodland’*

Or, modify the site boundary to exclude the woodland areas identified in the Ancient Woodland Inventory (S4\_Doc\_639).

#### H36: Borlick

Denise McNiven (00744/1/001): Remove site from the Plan.

Reverend Irene Miller (09625/1/002): Modify the Site Specific Developer Requirements to include: *‘mix of houses types and size, provision of sufficient public and private open space, provision of community facilities, provision of retail and ‘provision of a play area’.*

#### H37: South of Kenmore Road

Hillcrest Housing Association (00153/1/001): Modify the Site Specific Developer Requirements to remove the reference to access from Duntaylor Avenue.

Forestry Commission Scotland (08988/1/021): Modify the site boundary to include only land east of the watercourse (S4\_Doc\_641). Modify the Site Specific Developer Requirements to include the provision of protection measures for watercourse and associated trees.

Scottish Natural Heritage (05211/23/008): Modify the Site Specific Developer Requirements to include:

*‘Protection and enhancement of broadleaf trees and woodland within the site.’*

Scottish Natural Heritage (05211/25/030): Modify the Site Specific Developer Requirements to include:

*‘Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.’*

*‘Where the development of the site is within 30m of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.’*

Reverend Irene Miller (09625/1/003) Modify the Site Specific Developer Requirements to include: *‘mix of houses types and sizes, provision of sufficient public and private open space, provision of community facilities ‘provision of retail’ and ‘provision of a play area’.*

#### New Site

McKenzie Strickland Associates (00295/1/001): Remove open space designation.

### **Summary of responses (including reasons) by planning authority:**

#### E10: Borlick

Denise McNiven (00744/1/002): Policy ED1: Employment and Mixed Use Areas (S4\_Doc\_483) indicates that areas identified for employment uses should be retained for

such use. Policy RC1: Town and Neighbourhood Centres (S4\_Doc\_511) indicates that within areas identified as Town and Neighbourhood Centres the Council will encourage Class 1,2 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (Core\_Doc\_018). The designation of existing employment areas and the town centre seek to encourage the continuation and retention of these uses within Aberfeldy. The allocation of additional employment land seeks to ensure there are sufficient employment opportunities for the expansion of the settlement.

No modification is proposed to the Plan.

Forestry Commission Scotland (08988/1/020); Scottish Natural Heritage (05211/23/003): The Site Specific Developer Requirements indicate that a *'Landscaping framework'* should be provided. It is appropriate that these details should be considered with the submission of a planning application. Policy NE2: Forestry, Woodland and Trees (S4\_Doc\_500) would be applicable to development of this site. Of particular note the policy indicates that proposals should *'protect existing woodland'* and *'seek to expand woodland cover particularly in association with larger scale development and/or developments on the edge of settlements, near to existing woodland or identified green corridors'*, *'ensure protection and good management of amenity trees'* and *'secure new tree planting in association with development'*. In addition Tree Surveys are required to accompany all applications where there are existing trees on the site. It is considered that Policy NE2 adequately covers the issues raised.

In order to provide greater clarity and transparency for applicants if the Reporter was so minded the Council would not object to the proposed modifications.

#### H36: Borlick

Denise McNiven (00744/1/001): The designation of this site is considered to meet the Spatial Strategy of TAYplan Policy 1 (S4\_Doc\_067) which requires development to be concentrated within tiered settlements within the area. Aberfeldy is a tier 3 settlement and the site provides an opportunity to provide a significant contribution to housing provision within the overall Local Development Plan area. It would not be appropriate for the Council to restrict the delivery of this development site in advance of H37 as the delivery of sites will be dependent on a range of factors outwit the control of the Council.

No modification is proposed to the Plan.

Reverend Irene Miller (09625/1/002): Policy PM1: Placemaking (S4\_Doc\_396) provides a comprehensive approach to the design, development, management and maintenance of places. Policy CF1B Open Space within New Development (S4\_Doc\_414) seeks to ensure new development makes adequate provision for informal and formal open space integral to any new development.

No modification is proposed to the Plan.

#### H37: South of Kenmore Road

Hillcrest Housing Association (00153/1/001): The Site Specific Developer Requirements indicates that access to the site is to be from Duntaylor Avenue and the A827 Kenmore Road. G S Brown Construction Ltd (09817/7/001) has planning permission to develop the land to the south of Duntaylor Avenue (08/01518/FUL) (S4\_Doc\_642) and they have indicated support for this site designation through their Representation. This therefore may provide an opportunity to link these developments together with minimal impact on the residential area as cited. In line with Scottish Government Guidance Designing

Streets (Core\_Doc\_014) a range of access points should be proposed in a development to ensure a range of movement opportunities and the creation of a sense of place. The proposed access to Duntaylor Avenue would ensure suitable movement through the site and combined with an access through Kenmore Road a well designed development layout would provide alternative routes from the new development without it becoming a 'rat run' and dispersing the impact of additional traffic movements on existing routes.

Should the Reporter be so minded to modify the Site Specific Developer Requirements the Council would suggest the following wording be inserted: *'Access should primarily be taken from A827 Kenmore Road and a secondary access should be sought from Duntaylor Avenue.'*

Forestry Commission Scotland (08988/1/021): Given the site's topography it is likely that the density of the development would be higher to the south and east of the site, reducing as the topography steepens to the south and west towards Kenmore Road. The Site Specific Developer Requirements indicate a requirement for a *'Landscape framework'* and that the development should provide *'Enhancement of Biodiversity'*. In addition, Natural Environment Policies NE2: Forestry, Woodland and Trees (S4\_Doc\_500); NE3: Biodiversity (S4\_Doc\_406) and NE4: Green Infrastructure (S4\_Doc\_415) collectively address the issues raised.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/23/008): Policy NE2: Forestry, Woodland and Trees (S4\_Doc\_500) would be applicable to development of this site. Of particular note the policy indicates that proposals should *'protect existing woodland'* and *'seek to expand woodland cover particularly in association with larger scale development and/or developments on the edge of settlements, near to existing woodland or identified green corridors'*, *'ensure protection and good management of amenity trees'* and *'secure new tree planting in association with development'*. In addition Tree Surveys are required to accompany all applications where there are existing trees on the site. It is considered that Policy NE2 adequately covers the issues raised.

No modification is proposed to the Plan.

Scottish Natural Heritage (05211/25/030): It is considered that amending the Site Specific Developer Requirements to incorporate mitigation measures as set out in the Habitats Regulations Appraisal (Including Appropriate Assessment) (S4\_Doc\_139) would provide greater clarity and transparency for applicants in terms of how the provisions of the Plan's Policy NE1: International Nature Conservation Sites (S4\_Doc\_389) apply to this site.

If the Reporter is so minded the suggested additional text by the respondent, as detailed in the 'Modifications Sought' section, should be added to the Site Specific Developer Requirements.

Reverend Irene Miller (09625/1/003): Policy PM1: Placemaking (S4\_Doc\_396) provides a comprehensive approach to the design, development, management and maintenance of places. Policy CF1B Open Space within New Development (S4\_Doc\_414) seeks to ensure new development makes adequate provision for informal and formal open space integral to the new development.

No modification is proposed to the Plan.

Aberfeldy: New Sites

McKenzie Strickland Associates (00295/1/001): The current planning permission 09/01474/FLL (S4\_Doc\_640) allows staff accommodation within the site and requires felling of some of the existing trees. A Tree Assessment and Woodland Management Plan (S4\_Doc\_643) were submitted with the application. As a condition of the planning permission the conclusion and recommendations of the Management Plan are required to be implemented. In light of this it is still proposed that the Open Space designation on the site should be retained to ensure that the management of this private open space is retained and further development would not be recommended under Policy CF1: Open Space Retention and Provision (S4\_Doc\_414). If the consent is implemented the boundary of the open space designation could be reviewed by a subsequent Local Development Plan.

No modification is proposed to the Plan.

**Reporter's conclusions:**Site E10 - Borlick

1. In relation to the principle of designating further land for employment uses in Aberfeldy, the designation of site E10, together with the adjoining housing site (H36), accords with the spatial strategy of TAYplan which requires development to be concentrated within principal settlements. The focus for employment land provision in Highland Perthshire is Aberfeldy, Pitlochry and Dunkeld/Birnam and additional employment land is required in Aberfeldy to ensure that it develops as a sustainable community. Policy ED1A protects existing business and employment sites and policy RC1 encourages various business classes within Aberfeldy town centre.
2. In relation to the impact of the proposal on the area of woodland to the north-east, which is included in the Ancient Woodland Inventory, the council would accept a modification to the site boundary to exclude all of the woodland area identified in the Ancient Woodland Inventory. In relation to the request that consideration be given to additional tree planting on the north-eastern boundary to strengthen the existing woodland and to tree planting along the south-western boundary and within the site, the site-specific developer requirements indicate that a "*Landscape Framework*" is required. The scale and type of tree planting required within the site and along its boundaries, and the timing of any tree planting would be matters to be considered in the production of the landscape framework which is required to accompany any planning application. Also, as pointed out by the council, policy NE2 applies to the development of the site. This policy seeks to protect existing woodland and expand woodland cover in association with large scale development and / or developments on the edge of settlements.

Site H36 - Borlick

3. In accordance with the TAYplan hierarchical settlement approach, the Proposed Plan concentrates the majority of the new housing development in Aberfeldy and Pitlochry, two of the three principal settlements in Highland Perthshire. No housing designations have been made in Dunkeld / Birnam because of potential flooding, topographical and natural heritage constraints (see Issue 28b).
4. The designation of site H36 for 200 housing units is, therefore, in accordance with the spatial strategy of TAYplan, which requires additional allocations for 550 housing units in Highland Perthshire. Two sites with a maximum capacity of 160 houses are identified in

Pitlochry and the scope for additional sites is limited (see Issue 28c). It is imperative, therefore, that land for housing is identified in Aberfeldy if the Proposed Plan is to meet the housing requirements of TAYplan. The availability of brownfield land is limited and Borlick is one of only two sites identified in Aberfeldy as being suitable for housing development. The designation of site H36 and the adjacent employment land (E10) is aimed at ensuring that Aberfeldy develops as a sustainable community.

5. In relation to the detailed layout and design of the proposed development, the mix of housing and the provision of communal spaces and facilities, the Proposed Plan lists a number of site-specific developer requirements designed to ensure that any housing development on this site respects the character of the surrounding area through an appropriate layout and built form, and makes provision for landscaping and open space. Policy PM1 emphasises the need for a comprehensive approach to the design and siting of new development. Policy CF1B seeks to ensure that new development makes adequate provision for informal and formal open space.

#### Site H37- South of Kenmore Road

6. The site-specific developer requirements indicate that access to site H37 is to be taken from Duntaylor Avenue and Kenmore Road. In relation to the concerns expressed regarding the connection with Duntaylor Avenue, the proposed access to Duntaylor Avenue, combined with an access to Kenmore Road, would provide alternative routes for both the proposed development and that proposed on land to the south of Duntaylor Avenue (planning permission ref. 08/01518/FUL), dispersing the impact of the additional traffic movements. The design of the layout of any development on site H37 would be a matter for detailed consideration at the planning application stage but the council agrees, in the light of the comments received, that the site-specific developer requirement relating to access should be modified to place emphasis on the access being primarily from the A827 Kenmore Road. It is agreed that this would be an appropriate signal to any developer that the layout should be designed in such a way as to dissuade excessive traffic movement from the proposed development along Duntaylor Avenue.

7. In relation to the concerns raised regarding the water course and associated tree planting and other areas of broadleaf trees / woodland in the western part of the site, the water course and associated tree planting is recognised as an important habitat linking the woodlands to the south with the River Tay riparian zone to the north. According to Forestry Commission Scotland, the only acceptable option is to allocate only the eastern part of the site for development and ensure adequate protection measures for the water course and associated trees. Scottish Natural Heritage (SNH) has also raised concerns in relation to the protection of broadleaf trees and woodland within the site and to the protection of the water course from the impact of pollution and sediment to ensure no adverse effects on the River Tay Special Area of Conservation (SAC).

8. To alleviate the above concerns, SNH has suggested the addition of site developer specific requirements relating to the protection and enhancement of trees and woodland within the site and to the requirement for a construction method statement to protect the watercourse. The list of site-specific developer requirements in the Proposed Plan includes the requirement for a landscaping framework and the enhancement of biodiversity, which partially address the issues raised. However, this site is particularly prominent when viewed from the B846, and the treed water course is a particular feature. It is considered, therefore, that it would be appropriate to emphasise the requirement for the protection and enhancement of the trees and woodland on the site and for the protection of the water course.

9. In relation to the detailed layout and design of the proposed development, the mix of housing and the provision of communal spaces and facilities, the landscape framework would deal with the provision of open space. However, in view of the prominence of the site, it is considered that mention should be made in the list of site-specific developer requirements of the need to ensure that any development respects the character of the surrounding area through an appropriate layout and built form. Policy PM1 emphasises the need for a comprehensive approach to the design and siting of new development. Policy CF1B seeks to ensure that new development makes adequate provision for informal and formal open space.

#### New site

10. In relation to the request to remove the open space designation from part of the grounds of Moness House Hotel and Country Club, a small part of the area designated as open space is occupied by a laundry and recycling yard. Planning permission has been granted for staff accommodation on the north-western part of the area. This requires some felling of existing trees and a woodland management plan forms part of the planning permission. The respondent considers that the removal of the open space designation would provide an opportunity to provide affordable housing adjacent to the existing housing estate to the north. The southern half of the area comprises a water feature and recreation area for the use of guests.

11. The council indicates that should the planning permission for staff accommodation be implemented, the boundary of the open space designation could be reviewed in a subsequent local development plan. However, it is noted that there are other landscaped open areas, including woodland, within the grounds of Moness House Hotel and Country Club that are not designated as open space in the Proposed Plan. Like these other areas, the value of the area as open space is incidental to the overall use of the site for leisure and recreation purposes. Accordingly, it is not considered that any meaningful purpose is served by singling this area out as open space. Policy NE2A protects existing woodland and amenity trees. Also, any proposal for development would require to be assessed against policy PM1, which seeks to ensure that development respects the character and amenity of its surroundings. Consequently, the value of this part of the grounds as an amenity area would be a consideration in the assessment of any future development in the area.

#### **Reporter's recommendations:**

##### Site E10 - Borlick

1. Modify the site boundary on the Aberfeldy Settlement Map to exclude all the woodland area identified in the Ancient Woodland Inventory (see Schedule 4 document 439).

##### Site H37- South of Kenmore Road

2. Delete the site-specific developer requirement: *"Access from Duntaylor Avenue and A827 Kenmore Road"* and replace with *"Access should primarily be taken from the A827 Kenmore Road and a secondary access should be sought from Duntaylor Avenue"*.

3. Add the following requirements to the list of site-specific developer requirements:

*"Protection and enhancement of broadleaf trees and woodland within the site";*



*“Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special area of Conservation”;*

*“Where development is within 30 metres of the watercourse, an Otter survey should be undertaken and a special protection plan provided, if required, so as to ensure no adverse effects on the River Ty Special area of Conservation”;*

*“Built form and layout of the site should respond appropriately to the landscape and strengthen the character of Aberfeldy as a distinctive place.”*

New site – Moness House Hotel

4. Remove open space designation on the Aberfeldy Settlement Map.